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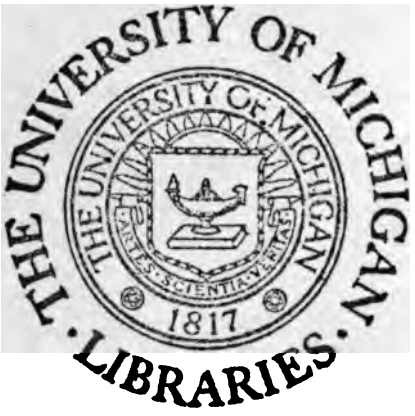
# 1893 - Report of the Commissioner of Indian Affairs for 1893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# SIXTY-SECOND ANNUAL REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS

TO THE

# SECRETARY OF THE INTERIOR.

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# 1893.

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WASHINGTON:
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# REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, D. C., September 16, 1893.*

SIR: I have the honor to submit herewith the Sixty-second Annual Report of the Commissioner of Indian Affairs.

I entered upon the discharge of the duties of this Office April 18 last. For four weeks of the time since then I have been engaged in New York City making contracts for the purchase of goods and supplies for the Indian Service, and I have had no time as yet to visit Indian reservations and to inspect personally the workings of the agencies and schools.

However, in the adjustment of questions arising at remote points where knowledge of local conditions is important, I have had the valuable aid of the Assistant Commissioner, General Armstrong, who, having visited the several reservations as Indian Inspector, has a personal knowledge of the degrees of civilization attained by the various tribes, and the local conditions at each agency.

## INDIAN AGENTS.

Under the legislation contained in the Indian appropriation act of July 13, 1892, the following order in regard to the detail of Army officers to act as Indian agents was issued by the President on the 17th of last June:

EXECUTIVE MANSION,
*Washington, June 17, 1893.*

Pursuant to a provision of chapter 164 of the laws of the first session of the Fifty-second Congress, passed on the 13th day of July, 1892, which reads as follows:

*Provided*, That from and after the passage of this act the President shall detail officers of the United States Army to act as Indian agents at all agencies where vacancies from any cause may hereafter occur, who, while acting as such agents,

shall be under the orders and direction of the Secretary of the Interior, except at agencies where, in the opinion of the President, the public service would be better promoted by the appointment of a civilian.

I hereby detail the following officers of the United States Army to act as Indian agents at the agencies set opposite their respective names: * * *

GROVER CLEVELAND.

The order contained the names of twenty officers thus detailed, and similar orders have since been issued, so that twenty-seven out of fifty-seven Indian agencies are now under the charge of Army officers. This makes a decided change in the policy of administering Indian affairs. Of its practical effects it is now too soon to attempt to speak fully, and from a theoretical standpoint the subject has already been widely discussed.

In selecting Indian agents for agencies where the President has deemed it for the interest of the service that civilian agents should be appointed, it is the policy of this Office to recommend persons, as a rule, who do not reside in the vicinity of the reservation upon which their services are to be rendered. It may as well be taken for granted that the advancement of any degraded, ignorant people must be brought about by some sacrifice of money, time, or comfort on the part of those who have attained a higher scale of enlightment. Ultimately the result will be, of course, gain all around; but in the process it means temporary loss. Difficult as it is for individuals to act upon this principle, it is still more so for communities, and proverbially so for corporations. Therefore the immediate interests of the inhabitants of an Indian reservation and those of white settlements or towns near by are apt to be, or to be considered, conflicting. Hence it is a very difficult matter for any one identified with the progress of a town, a county, or a State to enter an Indian reservation and when any local question comes up involving the interests of both races to so divest himself of a strong prejudice in favor of his own race as to enable him to see fairly the needs or rights of the other race, and having seen them, to supply the one and defend the other. Experience proves, what theory would indicate, that agents who come to Indian agencies from a distance are more ready than those living near by to give their best efforts to promote the welfare of those whom they are employed to aid.

## ESTIMATES FOR APPROPRIATIONS.

Every practicable effort is being made to reduce the cost of the Indian Service. Careful examination has been made of existing agency and school positions, and wherever it could be done without detriment to the service, positions have been dispensed with. The estimates submitted for appropriations for the entire Indian Service for the fiscal year ending June 30, 1895, amount to $6,931,756.61, which is $193,639.83 less than the amount appropriated, and $1,191,454.70 less than the estimate submitted, for the current fiscal year ending June 30, 1894.

# EDUCATION.

## ATTENDANCE.

The advance in Indian school work during the past year is encouraging, as shown by a resumé of the work for last year and for the six years previous, which is given in the following tables:

TABLE 1.—*Enrollment and average attendance at Indian schools, 1881 to 1893.*

ENROLLED.

| Kind of school. | 1887. | 1888. | 1889. | 1890. | 1891. | 1892. | 1893. |
|---|---|---|---|---|---|---|---|
| Government schools: | | | | | | | |
| Training and boarding | 6,847 | 6,998 | 6,797 | 7,236 | 8,572 | 9,634 | 11,185 |
| Day | 3,115 | 3,175 | 2,863 | 2,963 | 2,877 | 3,481 | 3,513 |
| Total | 9,962 | 10,173 | 9,660 | 10,199 | 11,449 | 13,115 | 14,698 |
| Contract schools: | | | | | | | |
| Boarding | 2,763 | 3,234 | 4,038 | 4,186 | 4,282 | 4,262 | 4,240 |
| Day | 1,044 | 1,293 | 1,307 | 1,004 | 886 | 839 | 616 |
| Boarding, specially appropriated for | 564 | 512 | 779 | 988 | 1,309 | 1,344 | 1,297 |
| Total | 4,371 | 5,039 | 6,124 | 6,178 | 6,477 | 6,445 | 6,153 |
| Public day schools | ..... | ..... | ..... | ..... | ..... | 190 | 243 |
| Mission schools not assisted by Government; boarding and day pupils | ..... | ..... | ..... | ..... | ..... | 157 | 44 |
| Aggregate | 14,333 | 15,212 | 15,784 | 16,377 | 17,926 | 19,907 | 21,138 |
| Increase | ..... | ..... | ..... | ..... | 1,549 | 1,981 | 1,231 |

AVERAGE ATTENDANCE.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Government schools: | | | | | | | |
| Training and boarding | 5,276 | 5,533 | 5,212 | 5,644 | 6,749 | 7,622 | 9,098 |
| Day | 1,896 | 1,929 | 1,744 | 1,780 | 1,661 | 2,084 | 2,131 |
| Total | 7,172 | 7,462 | 6,956 | 7,424 | 8,410 | 9,706 | 11,229 |
| Contract schools: | | | | | | | |
| Boarding | 2,258 | 2,694 | 3,213 | 3,384 | 3,504 | 3,585 | 3,463 |
| Day | 604 | 786 | 662 | 587 | 502 | 473 | 342 |
| Boarding, specially appropriated for | 486 | 478 | 721 | 837 | 1,172 | 1,204 | 1,111 |
| Total | 3,348 | 3,958 | 4,596 | 4,808 | 5,178 | 5,262 | 4,916 |
| Public day schools | ..... | ..... | ..... | ..... | ..... | 106 | 160 |
| Mission schools not assisted by Government | ..... | ..... | ..... | ..... | ..... | 93 | 28 |
| Aggregate | 10,520 | 11,420 | 11,552 | 12,232 | 13,588 | 15,167 | 16,333 |
| Increase | ..... | ..... | ..... | ..... | 1,356 | 1,579 | 1,166 |

TABLE 2.—*Number of Indian schools and average attendance from 1877 to 1893.*

| Year. | Boarding schools. | | Day schools. | | Totals. | |
|---|---|---|---|---|---|---|
| | Number. | Average attendance. | Number. | Average attendance. | Number. | Average attendance. |
| 1877 | 48 | ..... | 83 | ..... | 131 | 3,508 |
| 1878 | 49 | ..... | 119 | ..... | 168 | 4,142 |
| 1879 | 52 | ..... | 107 | ..... | 159 | 4,488 |
| 1880 | 60 | ..... | 109 | ..... | 169 | 4,651 |
| 1881 | 68 | 3,888 | 106 | 4,221 | 174 | 4,976 |
| 1882 | 71 | 2,755 | 54 | 1,311 | 125 | 4,066 |
| 1883 | 75 | 2,599 | 64 | 1,443 | 139 | 4,042 |
| 1884 | 86 | 4,358 | 76 | 1,757 | 162 | 6,115 |
| 1885 | 114 | 6,201 | 86 | 1 942 | 200 | 8,143 |
| 1886 | 115 | 7,260 | 99 | 2,370 | 214 | 9,630 |
| 1887 | 117 | 8,020 | 110 | 2,500 | 227 | 10,520 |
| 1888 | 126 | 8,705 | 107 | 2,715 | 233 | 11,420 |
| 1889 | 136 | 9,146 | 103 | 2,406 | 239 | 11,552 |
| 1890 | 140 | 9,865 | 106 | 2,367 | 246 | 12,232 |
| 1891 | 146 | 11,425 | 110 | 2,163 | 256 | 13,588 |
| 1892 | 149 | 12,422 | 126 | 2,745 | 275 | 15,167 |
| 1893* | 153 | 13,672 | 131 | 2,661 | 284 | 16,333 |

*Not quite complete; reports still wanting from some mission schools.

As the above tables indicate, the past year has kept pace with its predecessors in showing a steady increase in the enrollment of pupils, with a slightly increased percentage in regularity of attendance. Any advance in average attendance is a reliable indication of improved schools, earnest work on the part of agents, and growing appreciation of education by Indians. Among the best records are the following:

| | Enrolled. | Average attendance. | Number of months. |
|---|---|---|---|
| Fort Stevenson | 157 | 151 | 10 |
| Yakama | 120 | 101 | 10 |
| Seger Colony | 75 | 68+ | 6 |
| Pine Ridge | 193 | 173 | 3 |
| Klamath | 114 | 103 | 10 |

## NONRESERVATION SCHOOLS.

Since the date of the last annual report six new training schools have been opened, as was then anticipated, at Pipestone, Minn.; Mount Pleasant, Mich.; Flandreau, S. Dak.; Tomah, Wis.; Perris, Cal., and Fort Shaw, Mont. The first four originated with Congress. Perris is the only boarding school ever furnished for the Mission Indians in California, and within two months from the date of opening, the school had nearly all the pupils which the buildings would accommodate. The Fort Shaw school was opened December 27, 1892, in a military post vacated the previous year.

The size, location, and attendance of the twenty training schools now in operation are given in the following table:

TABLE 3.—*Location, average attendance, capacity, etc., of nonreservation training schools during the fiscal year ended June 30, 1893.*

| Name of school. | Date of opening. | Number of employés. | Rate per annum. | Capacity. | Enrollment. | Average attendance. |
|---|---|---|---|---|---|---|
| Carlisle, Pa | Nov. 1, 1879 | 72 | 167 | * 800 | 840 | 731 |
| Chemawa, Oregon | Feb. 25, 1880 | 31 | 175 | 300 | 336 | 248 |
| Fort Stevenson, N. Dak | Dec. 18, 1883 | 21 | ..... | 150 | 157 | 153 |
| Chilocco, Ind. T | Jan. 15, 1884 | 42 | 167 | † 300 | 236 | 224 |
| Genoa, Nebr | Feb. 20, 1884 | 40 | 167 | 400 | 414 | 340 |
| Albuquerque, N. Mex | Aug., 1884 | 52 | 175 | 300 | 269 | 222 |
| Haskell, Kans | Sept. 1, 1884 | 48 | 167 | * 600 | 606 | 538 |
| Grand Junction, Colo | 1886 | 17 | 175 | 120 | 102 | 98 |
| Santa Fé, N. Mex | Oct., 1890 | 33 | 175 | 175 | 173 | 118 |
| Fort Mojave, Ariz | Oct., 1890 | 22 | 167 | 150 | 134 | 118 |
| Carson, Nev | Dec., 1890 | 23 | 175 | 125 | 122 | 80 |
| Pierre, S. Dak | Feb., 1891 | 19 | 167 | 180 | 147 | 120 |
| Phœnix, Ariz | Sept., 1891 | 26 | 175 | 130 | 121 | 105 |
| Fort Lewis, Colo | Mar., 1892 | 20 | ..... | 300 | 94 | 63 |
| Fort Shaw, Mont | Dec. 27, 1892 | 24 | ..... | 250 | 171 | 136 |
| Perris, Cal | Jan. 9, 1893 | 12 | 167 | 120 | 113 | 90 |
| Flandreau, S. Dak | Mar. 7, 1893 | 12 | ..... | 150 | 98 | 86 |
| Pipestone, Minn | Feb., 1893 | 12 | 167 | 75 | 61 | 38 |
| Mt. Pleasant, Mich | Jan. 3, 1893 | 11 | 167 | 100 | 59 | 36 |
| Tomah, Wis | Jan. 19, 1893 | 12 | 167 | 75 | 93 | 77 |
| Total | ..... | ..... | ..... | 4,800 | 4,346 | 3,621 |

* With outing system. † When improvements under way are completed.

These schools with their special, and necessarily somewhat expensive, appliances for giving pupils instruction in various trades, are now so numerous and so widely scattered throughout the country as to be conveniently accessible to the majority of the Indian tribes; and it is believed that no new schools of this character need be hereafter established. It is time, however, that the purpose for which they were originally established should be more strictly adhered to than formerly; that is, that they should be regarded as advanced schools, comparatively speaking, and that their pupils should as a rule consist of those who have previously attended the reservation schools, and having nearly or quite finished the reservation-school course, will profit by further training both in books and in industries. Such a policy was made mandatory in regard to the Carlisle school by the following legislation in the Indian appropriation act of July 13, 1892:

*And provided further,* That no more Indian children shall enter and be educated and supported at said school who have not attended some other school for a period of at least three years.

Transfer from a reservation to a nonreservation school should be looked upon as a promotion and a privilege, and selections for such transfer should be carefully made and based upon merit and proficiency. Such a system, fully carried out, will give to the higher schools a more earnest class of pupils, better able to use profitably the very excellent advantages which these schools offer, old enough when they come to engage in regular shop or farm work, and old enough when they leave to have fairly mastered a trade and to have acquired character and habits of sufficient strength and tenacity to withstand the

strain of reservation and tribal influences. This system will also have a favorable reflex effect upon the reservation schools, giving an aim toward which both teachers and pupils can work, and thus increasing interest and stimulating ambition.

This, however, presupposes cheerful cöoperation on the part of the reservation schools. They must expect to surrender to the remote training schools their brightest and most promising pupils, those who have the best mental, moral, and physical endowments, and must encourage them to go just when they shall have become most interesting as pupils and most helpful and reliable in the various industrial departments. Their places must be supplied in turn with the raw material from the camps, to be "worked up" with the same patience, care, and enthusiasm which was expended upon their predecessors. This is, of course, the natural order of things; yet in some schools it has been looked upon as a hardship. Good material has been parted with reluctantly, and attempt has even been made to use the nonreservation school as a means of getting rid of the poor material with which the reservation school was encumbered. Such a spirit is entirely out of harmony with any attempt to establish an efficient system of Indian education.

As a further step toward increasing their efficiency, it has been decided not to force the attendance of Indian children upon nonreservation schools against the will of their parents, and the following instructions were issued to agents and school superintendents on the 22d of April last:

> You are advised that hereafter no children are to be taken away from reservations to nonreservation schools without the full consent of the parents and the approval of the agent. The consent of the parents must be voluntary and not in any degree or manner the result of coercion.

This order, however, does not, as some have supposed, conflict with the law of March 3, 1893, which is as follows:

> Hereafter the Secretary of the Interior may in his discretion withhold rations, clothing, and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year.

Thus far I have not found it necessary to resort to any of these means and it is hoped that the attendance of pupils will be secured without recourse to such penalties; yet cases may arise when the Hon. Secretary may find it expedient to exercise the powers granted. The Indian child should be taught at least to read, to write, and to speak English, and how to work and to live in a civilized way. Upon the reservations, day schools and boarding schools should be provided and should be attended. But the forcible taking of children a long distance from their homes against the will of their parents, and often to localities so different from their homes as to make the climatic changes exceedingly trying, is to me a matter of very doubtful expediency. Even ignorant and superstitious parents have rights, and their paren-

tal feelings are entitled to consideration. Doubtless deference to their wishes will sometimes deprive their children of educational advantages in a nonreservation school, whose value can be appreciated neither by parent nor child. Yet an overzealous attempt to enforce even a blessing is apt to arouse a distrust and antagonism, which in the long run prevents rather than promotes the good results desired. If it comes to be understood by Indians that they must attend home schools and should attend distant schools, they will be more approachable on the latter subject and more ready to listen to the arguments in favor of a longer term of schooling and a more thorough course of industrial training than most reservation schools can offer.

I am advised that a large majority of the pupils attending nonreservation schools have been secured without any sort of compulsion. Urgent requests are often made by parents as well as young people that they may be allowed the privilege of education in a training-school, and returned students, especially, who know by experience what the advantages of these schools are and are worth, urge them upon their friends and relatives. But the few instances of compulsion are so exaggerated that their effect in prejudicing Indians against the schools is entirely disproportionate, and I am satisfied that a better state of feeling will prevail and a better class of pupils be secured if moral suasion only is resorted to for the filling of nonreservation schools, even though temporarily the attendance should fall below the capacity of the buildings.

An effort is also being made to define the localities from which the respective nonreservation schools, both Government and contract, may draw their pupils, the object being twofold:

First, so far as practicable, it will keep the young people within the climate and latitude to which they are accustomed. This will, of course, favorably affect the health question. It will also tend to insure to the pupils training in such industries as they are likely to pursue in after life, and instruction in the methods of farming, care of stock, and out-of-door work generally, which prevail in their home localities.

Second, it will modify, if not wholly break up, a practice, which has gradually grown until it has become pernicious, of having many different schools searching for pupils on the same reservation. Notwithstanding the fact that the source of supply is ample and there are many more children than the schools can care for, there has arisen rivalry and competition in obtaining Indian pupils. This leads to the making of promises to parents and pupils and holding out of inducements which are very difficult of fulfillment afterward, and very disappointing to the Indians when not strictly fulfilled according to their understanding of the arrangements made. Such a course also fosters in the Indian an idea, which he is too ready to cherish, that he confers rather than receives a favor in giving up his child to be educated free of any expense to himself.

Of course lines can not at once be too strictly or arbitrarily drawn;

but a beginning has been made. The Indian, however, is not to be restricted in his individual choice, if he has any; and if a youth wishes to go, or a parent wishes to send his child, to any particular school, his wishes will be regarded, unless there should happen to be some imperative reason for doing otherwise.

The "outing system" begun at Carlisle, and most successfully operated in that school, is spreading through other nonreservation schools; and even Phœnix, in less than two years from the date of its opening, reports that its boys have been employed in neighboring vineyards and its girls in neighboring families, and that the demand for domestic help is much greater than the school can supply. Carlisle, which has had 621 pupils "out" among farmers and others at different periods during the year, has had requests for twice that number.

## RESERVATION BOARDING SCHOOLS.

The following table gives the capacity and date of opening of the Government boarding schools located upon reservations:

TABLE 4.—*Location, capacity, and date of opening of Government reservation boarding schools.*

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| Arizona: | | | |
| Colorado River | 100 | Mar., 1879 | |
| Keam's Cañon | 100 | ——, 1887 | |
| Navajo Agency | 150 | Dec., 1881 | |
| Pima | 140 | Sept., 1881 | |
| San Carlos | 75 | Oct., 1880 | |
| California: | | | |
| Fort Yuma | 250 | Apr., 1884 | |
| Hoopa | 45 | Jan. 21, 1893 | |
| Round Valley | 66 | ..... | Ready to open in Fall of 1893. |
| Idaho: | | | |
| Fort Hall | 200 | *——, 1874 | |
| Fort Lapwai | 200 | Sept., 1886 | |
| Lemhi | 40 | Sept., 1885 | |
| Indian Territory: | | | |
| Quapaw | 120 | Sept., 1872 | |
| Seneca, Shawnee, and Wyandotte | 150 | June, 1872 | Begun by Friends as orphan asylum in 1867, under contract with tribe. |
| Kansas: | | | |
| Kickapoo | 30 | Oct., 1871 | |
| Pottawatomie | 25 | ——, 1872 | |
| Sac and Fox and Iowa | 50 | ——, 1871<br>Sept., 1875 | Iowa.<br>Sac and Fox. |
| Minnesota: | | | |
| Leech Lake | 50 | Nov., 1867 | |
| Pine Point | 80 | Mar., 1892 | Prior to this date a contract school opened in November, 1888. |
| Red Lake | 50 | Nov., 1877 | |
| White Earth | 110 | ——, 1871 | |
| Wild Rice River | 75 | Mar., 1892 | Prior to this date a contract school opened in November, 1888. |
| Montana: | | | |
| Blackfeet | 110 | Jan., 1883 | |
| Crow | 100 | Oct., 1884 | |
| Fort Belknap | 110 | Aug., 1891 | |
| Fort Peck | ..... | Aug., 1881 | Buildings burned November, 1891, and September, 1892. |
| Nebraska: | | | |
| Omaha | 75 | ——, 1881 | |
| Santee | 120 | Apr., 1874 | |
| Winnebago | †80 | Oct., 1874 | |
| Nevada: | | | |
| Pyramid Lake | 66 | Nov., 1882 | |
| Western Shoshone | 50 | Feb. 11, 1893 | Previously a semiboarding school. |

*It was closed March, 1876, and not reopened until February, 1880, and was removed from the agency to the military buildings at Fort Hall, its present location, in the fall of 1883.

†In new buildings just approaching completion, to replace building burned in February, 1892.

TABLE 4.—*Location, capacity, and date of opening of Government reservation boarding schools*—Continued.

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| **New Mexico:** | | | |
| Mescalero | 50 | Apr., 1884 | |
| **North Dakota:** | | | |
| Fort Totten, Whipple Institute | 425 | ——, 1874<br>Jan., 1891 | At agency.<br>At Fort Totten. |
| Standing Rock, agency | 110 | May, 1877 | |
| Standing Rock, Agricultural | 100 | ——, 1878 | |
| Standing Rock, Little Eagle | 75 | ..... | Ready to open in Fall of 1893. |
| **North Carolina:** | | | |
| Eastern Cherokee | 80 | Jan. 1, 1893 | Prior to this date a contract school opened in 1885. |
| **Oklahoma:** | | | |
| Absentee Shawnee | 70 | May, 1872 | |
| Arapaho | 100 | Dec., 1875 | Started under the auspices of the Friends in 1872. |
| Cheyenne | 200 | ——, 1879 | |
| Fort Sill | 125 | Aug., 1891 | |
| Kaw | 60 | Dec., 1869<br>Aug., 1874 | In Kansas.<br>In Indian Territory. |
| Osage | 160 | Feb., 1874 | |
| Otoe | 80 | Oct., 1875 | In Nebraska. |
| Pawnee | 100 | ——, 1865<br>——, 1878 | Do.<br>In Indian Territory. |
| Ponca | 100 | Jan., 1882 | |
| Rainy Mountain | 50 | ..... | Ready to open in Fall of 1893. |
| Riverside (Wichita) | 60 | Sept., 1871 | |
| Sac and Fox | 100 | ——— 1868<br>Apr., 1872 | In Kansas.<br>In Indian Territory. |
| Seger Colony | 75 | Jan. 11, 1893 | |
| Washita (Kiowa) | 125 | Feb., 1871 | |
| **Oregon:** | | | |
| Grande Ronde | *80 | Apr., 1874 | |
| Klamath | 150 | Feb., 1874 | |
| Siletz | 90 | Oct., 1873 | |
| Sinemasho | 75 | Aug., 1882 | |
| Umatilla | 100 | Jan., 1883 | |
| Warm Springs | 60 | June, 1884 | |
| Yainax | 100 | Nov., 1882 | |
| **South Dakota:** | | | |
| Forest City | 50 | Jan., 1874<br>——— 1880 | Girls' school.†<br>Boys' school. |
| Fort Bennett | 120 | Apr. 1, 1893 | |
| Crow Creek | 110 | ——— 1874 | |
| Lower Brulé | 70 | Oct., 1881 | |
| Pine Ridge | 200 | Dec., 1883 | |
| Sisseton | 125 | ——— 1873 | |
| Yankton | 125 | Feb., 1882 | |
| **Utah:** | | | |
| Ouray | 75 | Apr., 1893 | |
| Uintah | 80 | Jan., 1881 | |
| **Washington:** | | | |
| Neah Bay | 56 | July, 1868 | |
| Chehalis | 60 | Jan., 1873 | |
| Okanagan | 60 | ——— 1890 | |
| Puyallup | 150 | June, 1871 | |
| Quinaielt | 40 | ——— 1868 | |
| S'Kokomish | 60 | Dec., 1866 | |
| Yakima | 130 | ——— 1860 | |
| **Wisconsin:** | | | |
| Menomonee | 125 | ——— 1876 | |
| Oneida | 80 | Mar. 27, 1893 | |
| **Wyoming:** | | | |
| Shoshone | 125 | Apr., 1879 | |
| Total | 7,558 | | |

* Also thirty additional day pupils.
† Originally Government buildings, and school largely managed by Episcopalians. New buildings and additions were erected by Episcopalians, and original Government building was worn out and "plant" now belongs to the missionary society which carries on the school.

It will be noticed that six of these boarding schools have been opened during the past year among the Sioux, Cheyennes and Arapahoes, Western Shoshones, Hoopas, Wisconsin Oneidas, and Utes at Ouray. The last four tribes have never before had a boarding school. The

Oneidas showed their appreciation of their new privilege by putting in 59 pupils the first day and by offering in the first six weeks 40 more pupils than the buildings would accommodate. The Hoopa school was established in the vacated military post of Fort Gaston.

The Cheyennes and Arapahoes of Seger Colony have fully redeemed the promises which they made as to what they would do if a school of their own should be given them, so that a school which will poorly accommodate 75 pupils has had, during its six months' existence, an average attendance of 68+ pupils, of whom 80 per cent had never been in school before. His interesting experiment in school discipline as reported by Superintendent Seger, is worth quoting:

As the matter of discipline is a very important factor in an Indian school, it was one of the first things to regulate; and as about 80 per cent of the children had never before been in school and a majority of the parents had never sent children to school, and the children not being able to speak English, all contributed to make the question a difficult one to solve. Remembering how well the parents had responded to the call for children, I concluded to make use of them in helping to govern the school. With this view a meeting was called and all the patrons invited, and the question was submitted to them of how best to maintain order and discipline, and in the event of any children being unruly or disobedient, what punishment was best to inflict and to what extent would they support me in enforcing discipline.

The matter was discussed freely, there being some who favored expelling scholars who were incorrigible and others being put in their place; while others claimed that none should be expelled, as in so doing it would send to camp the worst children, those who most need the discipline of the school and who need its influence both constraining and restraining; that if they grew up in camp with nothing to influence their perverse natures, they would not only be of no use to themselves but would be a drawback to those around them. They recommended that the matter of discipline be left wholly to the superintendent, and that if corporal punishment was necessary it should be used to the extent necessary to enforce discipline.

This sentiment prevailed and was consented to by all present. I attribute the fact that we did not find it necessary to inflict punishment beyond extra duty and denying privileges which would otherwise have been granted, to the children knowing that their parents expected them to obey the rules of the school and would approve of such punishment as was necessary to accomplish this end. We did not require the discipline we consider would be proper in an older school, yet it improved from the time school began to the close of the term. As discipline is maintained by observing rules, we resolved that the children should have time to learn them.

At Round Valley, Cal., a new building recently completed replaces one that was burned in July, 1883. A boarding school will be opened there this fall for the first time in ten years. A new boarding school building in an outlying settlement on the Standing Rock Reservation has been erected and a school will be opened there this fall. The same is true of a school ready to be opened at Rainy Mountain, on the Kiowa Reservation.

The only agencies that are now without one or more Government, reservation, boarding schools are Rosebud, Sac and Fox in Iowa, Tongue River, Tulalip, La Pointe, Southern Ute, Mission, Pueblo, and

Fort Berthold. The last three might be omitted as they have training schools in such close proximity as to serve the purpose of reservation schools. The Southern Utes will have to be cared for at the Fort Lewis school pending the settlement of the question of their permanent location. The new Tomah school near the center of Wisconsin gives insufficient help to the many widely separated bands under the La Pointe Agency. The new school at Mount Pleasant does the same for the Indians of Michigan who are not under any agency. Tulalip and Tongue River are entirely dependent upon a contract school at each agency, the former held in Government buildings and the latter in buildings owned by the school. The Sac and Fox Indians in Iowa oppose schools of any sort. The Rosebud Sioux have long complained of their failure to have any boarding school, and repeated promises of one still call for fulfillment. Attempts to find a desirable location with farming land and good water have thus far been unsuccessful.

The importance of the reservation school can hardly be overestimated. To it the large majority of Indian youth will be indebted for whatever knowledge they have of books, of the English language, and of civilized ways of living. Set down in the midst of their homes it is an object lesson for all families on the reservation, puts Indian boys and girls into a new home atmosphere, yet leaves them in touch with the old home life, and shows them *in situ* how to do just the work which they must do after school days are over. With Indians as with white people, the rank and file must stay at home and try to better their condition there; the leaders must go away and get all that new conditions, a wider horizon and lofty ideals can yield. The few must be raised to a high plane, and the mass must also feel an uplifting force; then the few will know how to help and the many how to respond.

The reservation schools still need strengthening, equipping and enlarging in a great many directions to enable them to do the best and most of which they are capable. The Navajoes, for instance, have one school which will care for only 130 out of their 3,000 children. They are as yet for the most part indifferent or hostile to schools; yet they are an unusually intelligent people, and their conservatism must yield before long. When it does, a large field will be opened for a new educational work. Rosebud has already been mentioned. At many other points an extension of school facilities is called for. The subject of building up reservation schools shall receive my most earnest attention so far as funds for the purpose shall be furnished by Congress.

### RESERVATION DAY SCHOOLS.

The increase in day schools during the year has been mainly among the Pine Ridge Sioux. The twenty schools now there and the fifteen at Rosebud, with the numerous and excellent Government boarding and day schools on the other Sioux reservations, and the Flandreau, Pipestone, and Pierre schools in their immediate vicinity, and the contract schools

among the Sioux to whose support the Government contributes, may be considered as at last meeting the requirements of the Sioux treaties, which promised a school and teacher for every 30 children of school age. Nearly half of all the day schools in the Indian service are among the Sioux. The Government is now in a position to demand of these Indians a fulfillment of their part of the pledge.

Whatever the limitations and disadvantages of day schools among Indians they have their ardent supporters and their unquestionable usefulness. They are stepping stones both to the boarding schools and the public schools, and can often be established where neither the one nor the other would be practicable. They are small feeders which swell the educational stream.

A few day schools have been discontinued. The following table shows the location and capacity of the various Government day schools in operation during the past year:

TABLE 5.—*Location and capacity of Government day schools, June 30, 1893.*

| | |
|---|---|
| Arizona: | |
| San Carlos, White Mountain Apache | 50 |
| California: | |
| Bishop* | 65 |
| Greenville* | 100 |
| Potter Valley | 50 |
| Mission, 8 schools | 243 |
| Round Valley | 40 |
| Ukiah* | 40 |
| Iowa: | |
| Sac and Fox | 40 |
| Michigan: | |
| Baraga | 50 |
| L'Anse | 30 |
| Minnesota: | |
| Birch Cooley | 36 |
| Montana: | |
| Tongue River | 30 |
| Nebraska: | |
| Santee: | |
| Flandreau | 50 |
| Nevada: | |
| Nevada: | |
| Wadsworth | 24 |
| Walker River | 24 |
| New Mexico: | |
| Pueblo: | |
| Cochita | 30 |
| Laguna | 40 |
| New Mexico—Continued. | |
| Pueblo—Continued. | |
| Zia | 25 |
| Santa Clara | 30 |
| North Carolina: | |
| Eastern Cherokee, 4 schools | 167 |
| North Dakota: | |
| Devils Lake, Turtle Mountain, 3 schools | 150 |
| Standing Rock, 8 schools | 320 |
| Oklahoma: | |
| Ponca, etc., Oakland | 20 |
| South Dakota: | |
| Forest City, 6 schools | 149 |
| Pine Ridge, 20 schools | 670 |
| Rosebud, 15 schools | 523 |
| Washington: | |
| Lummi | 50 |
| Neah Bay, Quillehute | 60 |
| Puyallup: | |
| Jamestown* | 30 |
| Port Gamble* | 35 |
| Wisconsin: | |
| Green Bay, 7 schools | 320 |
| La Pointe, 7 schools | 261 |
| Utah: | |
| Shebit | 40 |
| Total capacity | 3,792 |
| Total number of schools | 102 |

* Not on a reservation.

## PUBLIC SCHOOLS.

An especial effort has been made, and will be continued, to secure the admission of Indian children into the public schools. They are enrolled in public schools as follows:

TABLE 6.—*Public schools at which Indian pupils were placed under contract with the Indian Bureau during the fiscal year ending June 30, 1893.*

| | |
|---|---|
| California: | |
| Albion | 18 |
| Helm | 18 |
| Round Valley | 30 |
| Minnesota: | |
| School District No. 4 | 6 |
| Nebraska: | |
| School District No. 1 | 6 |
| School District No. 10 | 5 |
| School District No. 87 | 4 |
| North Dakota: | |
| Township No. 1, St. John | 40 |
| Oklahoma: | |
| Township 17, R. E. Stillwater, Payne County | 40 |
| Oregon: | |
| District No. 32 | 4 |
| South Dakota: | |
| Bad River District, Stanley County | 12 |
| Utah: | |
| District No. 12, Portage | 41 |
| Washington: | |
| District No. 10, Pierce County | 1 |
| District No. 87, King County | 8 |
| Wisconsin: | |
| Ashland | 15 |
| Round Lake | 20 |
| | 268 |

The total number of Indian pupils provided for in public schools during the second year of the experiment was 212, and during the first year 100. The advantage to the Indian pupils consists not only in the instruction given by the teacher, but also in what they almost unconsciously learn from the white children with whom they associate.

If States and counties would interest themselves in this method of providing against the raising of ignorant young heathen in their midst, it would be vastly to their advantage. The ultimate economy of education needs no argument in this country. States are ready enough to accept Government assistance in the way of school lands, allowances for their agricultural colleges, etc., and there is no reason why they should not avail themselves of the $12.50 per pupil per quarter (average attendance) offered by the Government for the education of Indians in their common schools. The details required in the way of contracts, reports, vouchers for pay, etc., though somewhat numerous and vexatious, ought not to deter a school district from trying to put all its youthful Indian population in school; and in sparsely settled white communities, where Indians are most likely to be found, the amount allowed by the Government would be of material assistance to the taxpayers in the support of their school.

I desire to call special attention to the matter, in the belief that this method of extending the public school system over Indians needs only to be understood to be adopted. What New York has done for years without Government aid ought certainly to be undertaken by other States under present favorable conditions.

## APPROPRIATIONS FOR EDUCATION.

For the first time in several years there is a falling off in the appropriations for Indian education, as shown by the following table:

TABLE 7.—*Annual appropriations made by the Government since the fiscal year 1877 for the support of Indian schools.*

| Year. | Appropriation. | Per cent increase. | Year. | Appropriation. | Per cent increase. |
|---|---|---|---|---|---|
| 1877 | $20,000 | | 1886 | $1,100,065 | 10 |
| 1878 | 30,000 | 50 | 1887 | 1,211,415 | 10 |
| 1879 | 60,000 | 100 | 1888 | 1,179,916 | *2.6 |
| 1880 | 75,000 | 25 | 1889 | 1,348,015 | 14 |
| 1881 | 75,000 | | 1890 | 1,364,568 | 1 |
| 1882 | 135,000 | 80 | 1891 | 1,842,770 | 35 |
| 1883 | 487,200 | 260 | 1892 | 2,291,650 | 24.3 |
| 1884 | 675,200 | 38 | 1893 | 2,315,612 | 0.9 |
| 1885 | 992,800 | 47 | 1894 | 2,243,497 | *3.5 |

* Decrease.

Last year the amount remained about stationary, being less than 1 per cent greater than the previous year. The severest restriction for the current year is in the item for school buildings, only $20,000 being allowed for the erection and repair of reservation boarding school buildings. This divided among, say, 600 hundred buildings will not keep them in decent repair, unless wind, fire, flood, time, and active children deal more gently than is their wont.

Inasmuch as all the schools which were opened or enlarged during last year are expected to have a full complement of pupils throughout the whole of this year, and as some new schools are now ready to be opened this year, it will be a difficult matter to hold the ground gained, and almost impossible to make any advance.

Some help in the discussion of ways and means is found in the fact noted in the last report, that the Methodists, Presbyterians, Episcopalians, and Congregationalists had taken official action declaring that they would cease asking aid from the Government in the support of Indian schools carried on under their supervision. This has partially gone into effect. Contracts have been reduced elsewhere so that the amount set apart for contract schools during the current fiscal year is $502,635, being $30,606 less than last year. The following table shows these changes in detail:

TABLE 8.—*Amounts set apart for various religious bodies for Indian education for each of the fiscal years 1887 to 1894, inclusive.*

| | 1887. | 1888. | 1889. | 1890. | 1891. | 1892. | 1893. | 1894. |
|---|---|---|---|---|---|---|---|---|
| Roman Catholic | $194,635 | $221,169 | $347,672 | $356,957 | $363,349 | $394,756 | $375,845 | $365,845 |
| Presbyterian | 37,910 | 36,500 | 41,825 | 47,650 | 44,850 | 44,310 | 30,090 | 30,090 |
| Congregational | 26,696 | 26,080 | 29,310 | 28,459 | 27,271 | 29,146 | 25,736 | 8,950 |
| Martinsburg, Pa | 10,410 | 7,500 | (*) | ..... | ..... | ..... | ..... | ..... |
| Alaska Training School | 4,175 | 4,175 | ..... | ..... | ..... | ..... | ..... | ..... |
| Episcopal | 1,890 | 3,690 | 18,700 | 24,876 | 29,910 | 23,220 | 4,860 | 7,020 |
| Friends | 27,845 | 14,460 | 23,383 | 23,383 | 24,743 | 24,743 | 10,020 | 10,020 |
| Mennonite | 3,340 | 2,500 | 3,125 | 4,375 | 4,375 | 4,375 | 3,750 | 3,750 |
| Middletown, Cal | 1,523 | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Unitarian | 1,350 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 |
| Lutheran, Wittenberg, Wis | ..... | 1,350 | 4,050 | 7,560 | 9,180 | 16,200 | 15,120 | 15,120 |
| Methodist | ..... | ..... | 2,725 | 9,940 | 6,700 | 13,980 | ..... | ..... |
| Mrs. L. H. Daggett | ..... | ..... | ..... | ..... | ..... | ..... | †6,480 | ..... |
| Miss Howard | ..... | ..... | 275 | 600 | 1,000 | 2,000 | 2,500 | 3,000 |
| Appropriation for Lincoln Institution | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 |
| Appropriation for Hampton Institute | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 |
| Total | 363,214 | 376,264 | 529,905 | 562,640 | 570,218 | 611,570 | 533,241 | 502,635 |

* Discontinued.

† This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893 the contract was renewed with Mrs. Daggett.

Of the total, $502,635, the sum of $177,790 is specially appropriated by Congress to be devoted to specified schools.

Another reduction in expense for the year has been made by dispensing with the services of the six district supervisors of education and the special agent for the Indian school service. One general school supervisor has been substituted, and possibly another may be found advisable. The work of school supervison is now done by the superintendent of Indian schools, assisted by the general supervisor, and by Indian inspectors and special agents who are constantly going about among the reservations and can give attention to school as well as agency matters.

In making my estimates for the fiscal year ending June 30, 1895, I have asked only for such appropriations as are absolutely required for the support of the Indian school service. The aggregate is $2,159,600, and in my opinion any reduction in the amounts asked for will to just that extent reduce the efficiency of the service and retard its progress.

## MODIFICATION OF CIVIL SERVICE RULES.

Under an Executive order issued in the summer of 1891, the operation of the civil-service law was extended over physicians, teachers, matrons, and school superintendents in the Indian service. This includes not only the supe rintendents who carry on schools where the Indian agents are respon sible for the school property and expenditures, but also bonded superintendents—those who have entire responsibility, under heavy bonds, for everything connected with their schools, including financial management and property interests. The proper conduct

of everything pertaining to the clothing, feeding, housing, and instructing of from 100 to 500 girls and boys calls for very large executive ability, business capacity and experience, and general knowledge of affairs, in addition to the qualifications for strictly educational work usually expected of a school superintendent. Lack of business management is ordinarily the weak point of bonded superintendents who fail.

A certification from the Civil Service Commission of names on the eligible list gives no information whatever as to the capacity of the persons certified for conducting business affairs and I question if any system of written competitive examinations could be relied upon to furnish information of such a character. In view of the absolute necessity that superintendents of bonded schools, especially the large non-reservation schools, should be men of unusual force of character and business capacity, and in view of the inadequacy of a civil-service examination to indicate such qualifications, I am of the opinion that the good of the service will be promoted by removing bonded school superintendents from the operation of the civil-service law—so that such superintendents may be selected solely by reason of their fitness for the difficult and peculiar duties which will be imposed upon them, instead of being gauged by their rank in a pedagogical examination.

## SCHOOL EXHIBIT OF INDIAN BUREAU AT THE COLUMBIAN EXPOSITION.

The plan outlined in the last report for the exhibit of this Bureau at the Columbian Exposition has been carried out in most of its details. After considerable difficulty in obtaining bids within the amount allowed for the purpose, and after cutting down expense in every possible way, a two-story frame building, without ornamentation, and as inexpensive as was consistent with safety of construction, was erected on the Exposition grounds near the Anthropological Building. It was planned to accommodate 30 pupils and half a dozen employés. It has school room, dining room, kitchen, dormitory, sitting rooms, and industrial rooms; is plainly furnished; and in it since the 15th of May, delegations of Indian boys and girls, accompanied by their instructors, have cooked, eaten, slept, worked, and recited. They bring their own tools, implements, bedding, specimens of school-room work and products of their shops, and, as far as circumstances permit, carry out and exemplify the routine and methods prevailing in their respective schools. Allowing for the peculiar surroundings, the aim has been to give a fair representation on a small scale of an Indian boarding school. Even its lack of some conveniences and of needed space, notably in its school room, might be considered an added realistic touch.

The schools thus occupying the building at Chicago are Albuquerque, N. Mex.; Rensselaer, Ind.; Lincoln Institution, Philadelphia; Lawrence, Kans.; Genoa, Nebr.; Chilocco, Okla., and Osage, Okla.,

which in the order named have been assigned periods varying from eighteen days to four weeks. Rensselaer and Lincoln Institution not being Government schools, met their own expenses, being allowed only the use of the building. Other such schools were offered a similar opportunity, but felt obliged to decline it on account of the expense.

The interest manifested in this exhibit has been even greater than was anticipated. Located as it is near the wickiups, teepes, wigwams, and bark huts, in which Indian families from different tribes try to reproduce the varying phases of fast-disappearing aboriginal life, and not far from the remains of prehistoric races shown in the Anthropological Building, it presents a most striking contrast. It sets forth the future of the Indian, as they set forth his past. It shows concretely and unmistakably his readiness and ability for the new conditions of civilized life and American citizenship upon which he is entering. Indian youth actually at the school-room desk, the work bench, the kitchen stove, and the sewing machine, and surrounded by most creditable displays of the products of their own handiwork, are plain facts not to be disputed, even though they fail to fit cherished theories as to what the race is or is not capable of.

The brass bands accompanying some of the schools have greatly added to the interest of their respective exhibits, and to most visitors the proficiency of the Indian musicians has been a surprise.

The number of visitors at the Indian School Building is constantly increasing, and now averages over 110,000 a week. In fact, it has taxed the capacity of the small building by reaching 25,000 in a day.

Indian school work is still further presented at the Exposition by an excellent display, literary and industrial, from the Carlisle School, which occupies an alcove among the other educational exhibits in the building of manufactures and liberal arts. It easily bears comparison with similar exhibits from other institutions, and gains only favorable comment from its visitors, many of whom may be considered as experts in technical education.

These two are the only exhibits at Chicago for which this Bureau is responsible. The small fund allowed rendered it impracticable to try to branch out in any other direction than educational work. Moreover, as has already been said, the presentation of the Indians in primitive conditions was properly the province of the anthropological department, and for this Bureau to have attempted anything in that line would have unnecessarily, and, therefore, unwisely, duplicated exhibits. Over Indians on the Exposition grounds, other than those connected with its two exhibits, this office has no jurisdiction whatever. It has merely granted permission for Indians to leave their reservations and be present at the Fair upon the request of the director of the department of anthropology.

Of course upon the schools represented at Chicago, and especially

upon the more than 225 pupils making up the school delegations, the Exposition has a most stimulating effect. But its influence has been made much more far-reaching by providing that every Government school, boarding and day, should have an opportunity to display some of its work in the Chicago building. Each school has been asked to send a book containing six specimens each of composition, maps, drawings, arithmetic papers, and kindergarten work, with some needlework, and articles made by boys, each paper or article having attached the name, age, and tribe of the child making it. This has aroused enthusiasm and healthy competition, and the contributions of the various schools have been highly creditable.

A delegation of 322 boys and girls from the Carlisle School, with its band of 31 instruments, made a noticeable feature of the Columbian parade in New York on the 10th of October, 1892, and won many flattering newspaper notices.

Ten days later 305 of the Carlisle boys, including the band, won similar approval for their part in the opening ceremonies parade at Chicago. Divided into ten platoons of two ranks each, each platoon represented one of the industries carried on at school, the front rank bearing the tools and implements of the trade, the rear rank bearing the manufactured products. An interesting description of these displays, with quotations from the newspapers, are included in Capt. Pratt's report herewith, p. —. Capt. Pratt has also arranged to have over 400 Carlisle pupils spend four days at the Fair the first week in October, and the choir of 80 voices and the band will be given opportunities in the music halls to show what they can do.

Altogether, it is safe to say that Indian pupils throughout the country have taken a lively and intelligent interest in the celebration of the discovery of the land of their forefathers, and that few classes of people have participated in it to a larger extent proportionally than the Indian race.

## INDIAN SCHOOL SITES.

In the last annual report, pp. 879–897, there was given a history of the lands assigned to twenty-five Indian schools, with description of titles. Similar information in regard to the lands of the schools at Fort Shaw, in Montana; Fort Sill and Pawnee, in Oklahoma; Grand Junction, in Colorado, and Umatilla, in Oregon, will be found in this report, pp. — to —. As rapidly as the lands assigned for the use of other Indian boarding schools are definitely designated by section, township, and range, or other boundaries, and are approved by the Department, a description of them will be prepared and published as a permanent record for convenient reference.

## ALLOTMENTS.

The progress made in allotment work since the last annual report is as follows:

**On reservations.**—To the following Indians the patents issued last year have been delivered:

| | |
|---|---|
| Cheyennes and Arapahoes in Oklahoma | 3,294 |
| Citizen Pottawatomies in Oklahoma | 1,363 |
| Absentee Shawnees in Oklahoma | 561 |

Patents have been issued and delivered to the following Indians:

| | |
|---|---|
| Pottawatomies in Kansas | 115 |
| Senecas in Indian Territory | 301 |
| Eastern Shawnees in Indian Territory | 48 |
| Sac and Fox in Kansas and Nebraska | 76 |
| Oneidas in Wisconsin | 1,500 |

Patents have been issued, but not delivered, to the following Indians:

| | |
|---|---|
| Sisseton and Wahpeton Sioux in North Dakota and South Dakota | 1,339 |
| Medawakanton, etc., Sioux on Devil's Lake Reservation, in North Dakota | 776 |
| Tonkawas in Oklahoma | 73 |

Allotments have been approved by this office and the Department, and patents are now being prepared in the General Land Office for the following Indians:

| | |
|---|---|
| Pottawatomies in Kansas | 150 |
| Pawnees in Oklahoma | 820 |
| Umatillas, Cayuses, and Walla Wallas in Oregon | 893 |
| Klamath River Indians in California | 161 |

Schedules of the following allotments have been received in this office, but have not yet been finally acted upon:

| | |
|---|---|
| Iowas in Kansas and Nebraska | 142 |
| Nez Percés in Idaho | 1,699 |
| Medawakanton, etc., Sioux in North Dakota | 356 |
| Indians on Siletz Reservation, in Oregon | 536 |

Work is progressing in the field as follows:

Ponca and Otoe reservations in Oklahoma.

Warm Springs Reservation in Oregon. On July 15 last the allotting agent reported that 674 out of 800 allotments had been made.

Yakama Reservation in Washington, nearly completed.

Moqui Reservation in Arizona. This is referred to more particularly on page 93.

Pottawatomie and Kickapoo reservations in Kansas. Allotment work among the Prairie band of Pottawatomies in Kansas is in a rather unsatisfactory condition. The special agent instructed February 9, 1891, to make allotments to them and to the Kickapoos, had succeeded up to August 1, 1893, in making allotments to only 278 out of about 500 Pottawatomies. The delay is owing to the opposition of the turbulent element of the band, led by Wahquohboshkuck and

others. Every means has been employed to overcome this opposition, but so far it has been unavailing, and it is possible that assignments of land will have to be made to those who persist in their refusal to make selections, such assignments being authorized by section two of the general allotment act.

Chippewa reservations in Minnesota. The condition of allotment work among the Chippewas is given in detail on page 34.

Lower Brulé Reservation in South Dakota.

Mission reservations in California. Allotments have been completed in the field on the Rincon, Potrero, and Pala reservations. Patents have been issued for fourteen of thirty-three reservations selected for these Indians by the commission appointed under the act of January 12, 1891 (26 Stats., 712).

Addition to Hoopa Valley Reservation in California.

Authority has been obtained for making allotments on the Rosebud Reservation in South Dakota, but no special agent has yet been appointed or designated for the work.

Instructions were prepared and submitted to the Department on the 22d of March last, for the guidance of a special agent to be appointed to make allotments to the Kickapoo Indians in Oklahoma, under the agreement with said Indians, ratified by the act of March 3, 1893 (27 Stats., 557). Moses Neal, esq., has been appointed to make the allotments.

Surveys are in progress on the Pine Ridge and Standing Rock Reservations in North Dakota and South Dakota. Previously to the present year surveys were recommended to be made on the Fort Hall Reservation in Idaho, the Klamath Reservation in Oregon, and the Makah and Quinaielt Reservations in Washington. Returns of the surveys of nine townships in the Klamath Reservation have been received in the General Land Office, where they are now pending, awaiting critical office examination, in connection with the report of the special agent who made an examination in the field of said surveys. This office has no information as to the progress of the surveys on the other reservations above named.

**To Nonreservation Indians.**—The act of March 3, 1891 (26 Stats., 989), authorizes and directs the Secretary of the Interior to apply the balance of the sum carried upon the books of the Treasury Department under the title of homesteads for Indians, in the employment of allotting agents, and payment of their necessary expenses to assist Indians in securing homes upon the public domain under section 4 of the general allotment act of February 8, 1887 (24 Stats., 388).

Michael Piggott, of Illinois, having been appointed by the President as special allotting agent, was instructed on August 10, 1891, to begin the work of allotments in the vicinity of Redding, Cal. He made, before his resignation, April 30, 1893, 1,140 allotments to nonreservation Indians, located in California, Oregon, and Nevada, 612 of which have been made since the publication of the last annual report

of this office. Of the allotments made by Agent Piggott, 453 have been considered by this office, reported to and approved by the Department. The remainder (687) will be reported for your consideration and approval as soon as certain applications corresponding thereto shall have been forwarded to this office by the General Land Office.

Bernard Arntzen, of Illinois, has been appointed as the successor of Mr. Piggott. He was instructed July 17, 1893, to proceed to Carson City, Nev., to resume the work begun by his predecessor, and as the field is large and the Indians are anxious for homes, and willing to accept allotments under said fourth section, good results are expected from his labors.

The special allotting agent on duty in this office has made, since the last annual report was published, 338 allotments under said section four. These were recently transmitted to the Department, and approved by the Acting Secretary May 11, 1893. There are now on file in this office 100 applications for allotments under said fourth section. These will receive attention, and the allotments, when completed, will be transmitted to the Department.

## CONTESTS AGAINST INDIAN HOMESTEADS AND ALLOTMENTS.

By the provisions of section 15 of an act approved March 3, 1875 (18 Stats., 420), and of the Indian homestead act of July 4, 1884 (23 Stats., 96), together with the provisions contained in the fourth section of the general allottment act approved February 8, 1887 (24 Stats., 388), as amended by act of February 28, 1891 (27 Stats., 794), nonreservation Indians are afforded ample opportunities and facilities for making entries upon the public lands with a view of obtaining permanent homes thereon.

In view of the fact that the public domain is rapidly disappearing, contests against Indian entries have become frequent. The endeavor of this office to defend Indians against contests initiated by whites and to save to them their homes has shown that, in most cases, the Indians are too poor to defray the expenses incurred in such proceedings, and are ignorant of the regulations and laws governing in such matters. This and the growing necessity that Indians should be located in permanent homes led the Department to ask Congress to make an appropriation of $5,000 to pay the legal costs incurred by Indians in contests initiated by or against them to any entry, filing, or other claims, under the laws of Congress relating to public lands for any sufficient cause affecting the legality or validity of the entry filing, or claim.

The appropriation asked for was made by clause contained in the Indian appropriation act approved March 3, 1893 (27 Stats., 612). It contains the provision, however, that the fees to be paid by and on

behalf of the Indian party shall be one-half of the fees provided by law in such cases. It also provides that in all States and Territories where there are Indian reservations or allotted Indians the United States district attorney shall represent them in all suits at law and in equity. With the new legislation now in force it is believed that this office will be better able to protect the interests of the Indians, and to secure to them the rights to which they are entitled under the laws of the United States.

## LEASING INDIAN LANDS.

The third section of the act of Congress approved February 28, 1891 (26 Stats., 794), authorizes the leasing of both allotted and unallotted or tribal Indian lands. Said section is as follows:

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary for a term not exceeding three years for farming or grazing or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming and agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

### ALLOTTED LANDS.

The policy of the Government in the allotment act and in the other acts and treaties providing for allotments in severalty was, as viewed by this office, to lead the Indian into habits of self-support and to fit him for citizenship. The consensus of opinion of those most familiar with Indian affairs seems to be that these much-desired ends can better be accomplished through allotment of land in severalty than in any other way. An allotment in severalty, however, is but an opportunity of which the Indian must take advantage. If he has no desire to better his condition at the cost of personal exertion and through the means thus opened up to him and can not be made to appreciate the benefits conferred on him, but little good will have been accomplished by the allotment. The object is to make him feel a personal interest in a particular piece of land; to have him learn by its cultivation with the labor of his own hands how to gain a better subsistence than he has previously enjoyed, and at the same time acquire the arts of civilization and learn the means of self-support thereby.

But to permit the indiscriminate leasing of allotted lands would defeat the purpose for which allotments are made; so the law provides that the allottee will not be permitted to lease his lands until he shall have made it appear to the Secretary of the Interior that "by reason of

age or other disability" he can not personally, and with benefit to himself, occupy or improve his allotment. There are cases, however, where "by reason of age or other disability" the allottee should be permitted to lease his lands, and to meet these exceptional cases the provision authorizing the leasing of allotted lands was enacted.

The matter of leasing allotted lands has been placed largely in the hands of Indian agents in charge of the agencies where allotments in severalty have been made. Hence, applications to lease allotted lands should be made direct to the agent in charge of the reservation in which the allotted lands are situated. Each application is considered individually, and it must be determined that the applicant clearly comes within the provisions of the law before authority will be granted him to lease his allotment. An allottee is held to be one who has a trust-patent for his lands, or one whose allotment has been approved by the Secretary of the Interior. Agents are expressly directed that it is not intended to authorize the making of any lease by an allottee who possesses the necessary physical and mental qualifications to enable him to cultivate his allotment either personally or by hired help.

All leases under the above law must be executed in triplicate on blank forms furnished by this office, in the presence of two subscribing witnesses, and must be acknowledged before the Indian agent and approved by the Secretary of the Interior. For the information of Indian agents, this office has formulated a set of rules and regulations to be observed in the execution of leases of Indian allotments, which were approved by the Secretary of the Interior on February 8, 1892. A copy of the rules and regulations will be found on page — of this report.

Since the last annual report the following leases of allotted lands have been approved:

*Quapaw Agency, Indian Territory.*—Guardian of Amos Kist, Modoc allottee, to Dan S. Hawkins *et al.*; mining lease for term of ten years from date thereof; approved November 11, 1892. Samuel Bull, Modoc allottee, to James L. Sherer and Thomas E. Thompson; mining lease for term of ten years from date thereof; approved February 20, 1893. John Zane, Wyandotte allottee, to John T. McElhany *et al.*; mining lease for term of ten years from date thereof; approved April 22, 1893.

*Santee Agency, Nebraska.*—"Missouri Timber," allottee of Ponca Subagency, to Hugh Haight; farming and grazing lease; approved September 1, 1892.

## UNALLOTTED OR TRIBAL LANDS.

It is to be observed that the above law provides for leasing tribal or unallotted lands only in cases where the lands in question are occupied by Indians who have "bought and paid for the same." At the request of this office for instructions as to whether or not the Omaha Indians could lawfully lease their unallotted lands for grazing purposes, the Assistant Attorney-General for the Interior Department gave an

opinion, dated January 11, 1892, which covers the question as to what Indians can be held to have "bought and paid for" the lands which they occupy. In that opinion he says:

> It is very clear that Congress intended by this act to confer upon the Indians and upon the Department powers which they did not theretofore possess, and the provisions of this section are clear and unambiguous. The parties who may lease lands are Indians who have "bought and paid for" the same. Congress was legislating with reference to those Indians who have, under treaty or otherwise, become possessors or owners of certain specific tracts or bodies of lands by purchase or exchange or surrender of other property, in contradistinction to those Indians who are occupying reservations created by Executive order or legislative enactment. The words "bought and paid for" do not, in my opinion, imply that the consideration for the lands must have been cash in hand paid by the Indians, but rather that the words were used in their ordinary and usual acceptation, and signify a purchase either by the payment of money or by exchange of or surrender of other property or possessions.

This office has authorized leasing of tribal lands only in cases where the reservation lands were clearly occupied by Indians who had "bought and paid for the same," within the meaning of the law as above construed.

Since the last annual report the following leases of tribal lands have been executed under the provisions of the above law:

*Ponca Reservation.*—Two leases, each for one year from April 1, 1893; the east pasture containing an estimated area of 33,000 acres, at an annual rental of $3,000; the west pasture containing an estimated area of 33,000 acres at an annual rental of $3,005.

*Otoe and Missouria Reservation.*—Two leases, each for one year from April 1, 1893; the east pasture, containing an estimated area of 60,000 acres, at an annual rental of $3,000; the west pasture, containing an estimated area of 40,000 acres, at an annual rental of $2,600.

*Kaw Reservation.*—Six leases for grazing privileges have been executed on this reservation, none of which have yet been approved by the Department. Four leases for three years each from April 1, 1893, were executed under Department instructions of February 23, 1883, and office directions of February 25, 1893, as follows: District No. 1, containing about 20,400 acres, at 15 cents per acre per annum, annual rental $3,060; District No. 2, containing about 10,709 acres, at 15 cents per acre per annum, annual rental $1,606.35; District No. 3, containing about 9,800 acres, at 15¼ cents per acre per annum, annual rental $1,494.50; District No. 4, containing about 10,920 acres, at an annual rental of 17½ cents per acre per annum, annual rental $1,911. These leases were transmitted to the Department with office letter of May 1, 1893, and were returned to this office with Department letter of May 13, 1893, without approval. They were then submitted to acting agent Capt. Charles A. Dempsey, U. S. Army, on July 18, 1893, for investigation and further report. They were returned by him with his report August 15. They were again submitted to the Secretary for his approval on September 13, and were returned by him September 16,

without approval, for the reason that the sureties on the bonds had not qualified in a sufficient amount. Special directions were also given with reference to the lease covering district No. 1.

April 12, 1893, the then agent, Miles, submitted to this office for approval two additional leases entered into with certain members of the Kaw tribe, who were also members of the Kaw council, each for three years from April 1, 1893, and aggregating 26,000 acres at an annual rental of $3,300. These leases had not been authorized by the Department. They were submitted to the Department with office letter of April 25, 1893, and were returned by the Department without approval, May 12, 1893. They were afterwards transmitted to Charles A. Dempsey, U. S. Army, acting Indian agent, for investigation and further report, with office letter of July 18, 1893. The acting agent returned them August 29, and recommended that they be not approved. He also recommended that a portion of the land covered by said leases be leased for one year, from April 1, 1893, to the parties who had subleased from the said members of the Kaw tribe. The matter was submitted to the Secretary September 13, and September 16 he replied, concurring in the acting agent's recommendation.

*Osage Reservation.*—Tirty-four leases, each for three years, from April 1, 1893, at the uniform price of 3½ cents per acre, containing a total estimated area of 831,188 acres, annual rental $29,091.58.

*Kiowa and Comanche Reservation.*—Six leases, each for the period ot one year, from September 1, 1892, aggregating 250,580 acres, averaging a little more than 5 cents per acre, annual rental $12,577.44. September 12, 1893, the Secretary authorized the renewal of these leases for the period of one year, from September 1, 1893, at the uniform rate of 6 cents per acre for the estimated number of acres in each range.

February 28, 1893, the Department authorized the renewal for one year, from April 1, 1893, at the same rate (6 cents per acre), as the five leases mentioned in the last annual report. These contain a total estimated area of 1,304,958 acres; annual rental, $78,297.48. These leases were approved by the Secretary of the Interior September 11, 1893.

*Omaha and Winnebago Reservation.*—The last annual report makes mention of two leases on the Omaha Reservation, each for five years from May 1, 1892, at 25 cents per acre per annum, for a total area of 22,604.18 acres, at an annual rental of $5,651.13. Besides these, three additional leases have been executed on the Winnebago Reservation, each for one year from May 1, 1893, at 25 cents per acre, aggregating 615 acres, annual rent $153.86. But one of the Winnebago leases, however, has been approved by the Department.

*Uintah Reservation.*—One grazing lease for a period of five years from June 1, 1893, covering that portion of the reservation known as "Strawberry Valley," estimated to contain about 650,000 acres, at an

annual rental of $7,100. One mining lease for a period of ten years, covering 5,000 acres, upon the payment of certain royalties specified therein.

## COMMISSIONS AND NEGOTIATIONS FOR REDUCTION OF RESERVATIONS.

*Shoshone Reservation, Wyoming.*—Under the provisions of a clause contained in the Indian appropriation act approved March 3, 1891 (26 Stats., 1010), the Secretary of the Interior appointed three commissioners to negotiate with the Indians of Shoshone or Wind River reservation in Wyoming for the surrender of a portion of their reserve.

On October 2, 1891, an agreement was concluded with the Shoshone and Arapaho tribes occupying that reservation, which was transmitted to the Department, December 5, 1891, with certain objections thereto. It was transmitted to Congress by the President on January 11, 1892, and, having failed of ratification, Congress authorized the reopening of negotiations with those Indians by the following provision, found in the Indian appropriation act of July 13, 1892 (27 Stats., 120):

> To enable the Secretary of the Interior in his discretion to reopen the negotiations with the Shoshone and Arapaho Indians for the surrender of certain portions of their reservation in the State of Wyoming, and Flathead and confederated tribes of Indians in the State of Montana, five thousand dollars, or so much thereof as may be necessary, to be immediately available, and not more than two of the Commissioners to be appointed hereunder shall be of the same political party, and any agreement entered into shall be ratified by Congress.

Under the authority of this clause the Secretary of the Interior appointed Frank P. Sterling, of Helena, Mont., John W. Meldrum, of Cheyenne, Wyo., and Napoleon B. Crump, of Harrison, Ark., as commissioners to reopen negotiations with the Indians referred to. They were instructed with reference to their duties as such commissioners on December 24, 1892, and directed to meet January 15, 1893, at the Shoshone Agency, Wyoming, to enter upon the discharge of the same.

March 20, 1893, F. P. Sterling, chairman of the commission, transmitted to this office its report, together with certified copy of the proceedings of the different councils held with the Indians. The commission failed to reach an agreement with them. Report of the whole matter will be made to you at an early date for your consideration and for transmission to Congress.

*Pyramid Lake Reservation, Nevada.*—As stated in office report for the year 1892, an agreement was negotiated October 17, 1891, with the Pah Ute Indians residing upon the Pyramid Lake Reservation in Nevada, for the surrender of the southern portion of the reservation embracing the town of Wadsworth. It was transmitted to this office October 30, 1891, and reported to the Department December 5, 1891, with full explanations as to its provisions. The President transmitted it to Congress January 11, 1892.

It appears that this agreement was not satisfactory to the Senate; and as the people of Nevada desired further reduction of the Pyramid Lake Reservation and the restoration to the public domain of the entire Walker River Reservation in that State, this office, July 9, 1892, submitted to the Department draft of a bill, in lieu of the bill to ratify the said agreement, which was introduced in the Senate as bill No. 3459. It provided for vacating and restoring to the public domain the entire Walker River Reservation and a greater proportion of the Pyramid Lake Reservation than that ceded in the agreement. The bill was referred to the Senate Committee on Indian Affairs, and reported back without amendment; but no further action appears to have been taken by the Senate. A bill containing similar provisions has been introduced in the present Congress (Senate 99).

*Puyallup Reservation, Wash.*—The report of the Puyallup commission, to which reference was made in office report of last year, was transmitted to the last Congress during the first session. The recommendations of that commission were not approved and ratified by Congress; but the following legislation with reference to the Puyallup Reservation, was incorporated in the Indian appropriation act of March 3, 1893 (27 Stats., 612).

That the President of the United States is hereby authorized immediately after the passage of this act to appoint a commission of three persons, and not more than one of whom shall be a resident of any one State, and it shall be the duty of said commission to select and appraise such portions of the allotted lands as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, in the Puyallup Reservation in the State of Washington. And if the Secretary of the Interior shall approve the selections and appraisements made by said commission, the allotted lands so selected shall be sold for the benefit of the allottees, and the agency tract for the benefit of all the Indians, after due notice at public auction at not less than the appraised value for cash, or one-third cash, and the remainder on such time as the Secretary of the Interior may determine, to be secured by vendor's lien on the property sold.

It shall be the duty of said commission, or a majority of them, to superintend the sale of certain lands, ascertain who are the true owners of the allotted lands, have guardians duly appointed for the minor heirs of any deceased allottees, make deeds of the lands to the purchasers thereof, subject to the approval of the Secretary of the Interior, which deeds shall operate as a complete conveyance of the land upon the full payment of the purchase money; and the whole amount received for allotted lands shall be placed in the Treasury to the credit of the Indian entitled thereto, and the same shall be paid to him in such sums and at such times as the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, shall direct: *Provided,* That the portion of the agency tract selected for sale shall be platted into streets and lots as an addition to the city of Tacoma, and sold in separate lots, in the same manner as the allotted lands, and the amount received therefor, less the amount necessary to pay the expenses of said commission, including salaries, shall be placed to the credit of the Puyallup band of Indians as a permanent school fund to be expended for their benefit: *And provided further,* That the Indian allottees shall not have power of alienation of the allotted lands not selected for sale by said commission for a period of ten years from the date of the passage of this act, and no part of the allotted land shall be offered for sale until the Indian or Indians entitled to the same shall have

signed a written agreement consenting to the sale thereof and appointing said commissioners, or a majority of them, trustees to sell said land and make a deed to the purchaser thereof; and no part of the agency tract shall be sold until a majority of said Indians shall consent thereto in a written agreement, which shall also constitute said commissioners, or a majority of them, trustees to sell said land, as directed in this act, and make deeds to the purchaser for the same. The deeds executed by said commission shall not be valid until approved by the Secretary of the Interior, who is hereby directed to make all necessary regulations to carry out the purposes of the foregoing provisions. The proceeds arising from the sale of the allotted lands shall be placed in the Treasury to the credit of the respective allottees, and the net proceeds of the agency tract, after paying the expenses of said commission in the appraisement and sale of said lands, and reimbursing the United States for the amount advanced to said commission, shall be placed in the Treasury of the United States to the credit of all said Indians, and the said sums shall draw interest at the rate of four per cent per annum, and the income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior: *Provided:* That an amount not exceeding one-tenth of the principal sum may be expended for their benefit during any fiscal year, if deemed necessary by the Secretary of the Interior: *Provided further:* That the entire expense herein incurred shall be apportioned by the Secretary of the Interior pro rata between the several allottees and the owners of the tribal tract; and the Secretary of the Interior may in his discretion designate one member of said commission to superintend the execution of any of the requirements of said commission herein provided for.

And the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses of said commission, to be reimbursed to the United States out of the proceeds of the sale of that portion of the agency tract, to be immediately available.

The Commissioners authorized thereunder have not yet been appointed.

*Siletz Reservation, Oregon.*—October 1, 1892, an agreement was concluded with the Indians of this reservation, whereby they ceded to the United States, for the sum of $100,000, all their claim, right, title, and interest in and to all the unallotted lands of the reservation, except five sections of timber land, the amount ceded being about 178,840 acres. This agreement, accompanied by the draft of a bill to ratify and confirm the same, was transmitted to Congress at its last session, but failed to receive favorable consideration.

*Nez Percé Reservation, Idaho.*—May 1, 1893, an agreement was concluded with the Nez Percés in Idaho, by which they ceded to the United States all their unallotted lands (except some 30,000 acres of timber) for the sum of $1,626,222 and certain other considerations. The agreement has not yet been submitted to you for transmittal to Congress. The lands ceded are estimated to contain about 542,074 acres.

*Yankton Reservation, S. Dak.*—The report of the Yankton Commission, dated March 31, 1893, and filed in the Department May 27, 1893, submitted an agreement concluded with the Yankton Sioux Indians December 31, 1892, by which they ceded to the United States all their surplus lands, some 168,000 acres, for the sum of $600,000 plus $20 for each male adult of the tribe. No action has yet been taken looking to the transmittal of the agreement to Congress.

*Tonkawa Reservation, Okla.*—The agreement with the Tonkawa Indians, concluded October 21, 1891, referred to in the last annual report, was ratified by Congress March 3, 1893 (27 Stats., 612), and the allotments therein provided for were approved by the Department April 28, 1893.

*Pawnee Reservation, Okla.*—An agreement was concluded by the Cherokee Commission with the Pawnees in Oklahoma November 23, 1892, whereby the Indians ceded to the United States their reservation in said Territory, subject to the allotment of lands in severalty under the general allotment laws, for the sum of $1.25 per acre. This agreement was ratified by the act of Congress approved March 3, 1893 (27 Stats., 612). The allotments to the Indians (820) have been made and approved.

*Cherokee Outlet.*—The agreement with the Cherokee Nation for the cession of all its right, title, and interest in and to the lands known as the "Outlet," concluded December 19, 1891, and ratified by the Cherokee council January 4, 1892, was ratified and confirmed by Congress March 3, 1893 (27 Stats., 312), with certain amendments which were concurred in and accepted by the Cherokee Nation, through its council, April 3, 1893. On May 17, 1893, the principal chief of the Cherokee Nation, and its delegates, duly authorized thereto by act of the national council, executed a deed of relinquishment to said lands.

The act of Congress ratifying the agreement requires that certain allotments stipulated for in the agreement (not exceeding seventy in number) shall be confirmed by the Secretary of the Interior before the date when said lands shall be opened to settlement. D. W. Bushyhead is authorized to select a quarter section prior to the opening of the ceded lands to settlement, for which he is required to pay at the same rate per acre required of other settlers. It also provides that the ceded unreserved lands in the Tonkawa and Pawnee reservations shall be opened to settlement at the same time that the lands in the Outlet are opened and in like manner.

The allotments having been made and all the other terms and conditions required under the several agreements having been complied with, the President, by public proclamation dated August 19, 1893, declared that on Saturday the 16th day of September, 1893, at the hour of 12 o'clock noon (central standard time), and not before, the lands acquired by the three several agreements would be opened to settlement under the terms and subject to all the conditions, limitations, reservations, and restrictions contained in said agreements, etc., saving and excepting lands described and identified therein as not being so opened to settlement. These three agreements for the cession of lands in Oklahoma will result in opening to public settlement under the homestead laws, and to disposition as school lands, some 6,361,135 acres.

*Chippewa Commission, Minnesota.*—The annual report for 1890 gives a brief history of the negotiations with the Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all their reservations in Minnesota except the White Earth and Red Lake reservations, and to so much of these two reservations as in the judgment of the Commission will not be required for the allotments provided for in the act of Congress approved January 14, 1889 (25 Stats., 642). In subsequent annual reports will be found brief statements of the progress of the work performed by the Chippewa Commission. Since the last annual report no schedule of allotments has been submitted.

In a report by William M. Campbell, chairman of the Chippewa Commission, dated September 7, 1893, he states that the number of Indians removed to the White Earth Reservation from July, 1890, to July 6, 1891, was 405; from July 6, 1891, to June 13, 1893, 248; from June 13, 1893, to September 1, 1893, 75; number returned from White Earth to their former reservations, 85, making the number of permanent removals up to September 1, 1893, 643.

In the same paper he reports that allotments of 80 acres each have been made as follows:

| Bands. | Allotments to residents. | Reserves to residents. | Allotments to nonresidents. | Reserves to nonresidents. |
|---|---|---|---|---|
| White Earth | 886 | 886 | 28 | 28 |
| Otter Tail | 487 | 487 | ..... | ..... |
| Mille Lac | 182 | 182 | ..... | ..... |
| Leech Lake | 105 | ..... | ..... | ..... |
| White Oak Point | 18 | 18 | ..... | ..... |
| Cass Lake and Winnebagoshish | 14 | ..... | ..... | ..... |
| Gull Lake | 138 | 138 | 53 | 53 |
| Pembina | 232 | ..... | 14 | ..... |
| Fond du Lac | 32 | ..... | 20 | ..... |
| Total | 2,094 | 1,711 | 115 | 81 |

The "reserved" lands mentioned in the above table have been set aside in accordance with an understanding between the Indians and the Commission that each allottee is to have an additional allotment of 80 acres in case Congress so provides, as set forth in the last annual report, page 81.

The Commission now consists of William M. Campbell, Rockwell J. Flint, and Benjamin D. Williams.

*Round Valley Reservation, Cal.*—Since the last annual report of this office a Commission was appointed by the President to appraise the grazing and timber lands and improvements thereon included in the Round Valley Reservation as established under the act of March 3, 1873 (17 Stats., 633), but outside of the limits of the reservation as diminished by section 2 of the act of Congress approved October 1, 1890 (26 Stats., 658).

This Commission was appointed under the provisions of section 3 of

said act of 1890, and submitted its report April 6, 1893. That report, which was transmitted to the Department by office letter of May 18, 1893, shows the appraisement of 63,841.57 acres of land at $115,938.26, and the appraisement of improvements at $12,250. The said lands are to be restored to the public domain and sold at public sale at a price not less than the appraised value, the proceeds of said sale to be placed to the credit of the Indians.

The Indians of this reservation are very anxious for the allotment of their lands in severalty, and, their agricultural land having been surveyed, they have been permitted to make their selections subject to such revision as may be found necessary when a special agent can be assigned to make the allotments formally.

*Turtle Mountain Reservation, North Dakota.*—Effort has been made to effect a settlement of the difficulties of this band of Chippewa Indians referred to in the last annual report of this office. The commission provided for by a clause in the Indian appropriation act of August 19, 1890 (27 Stats., 139), having been duly appointed and qualified, visited the Indians and concluded an agreement with them for the relinquishment of their claim to a large tract of land in North Dakota; but they could not be induced to vacate the two townships near the international line which they are at present occupying.

The report of the commission, dated December 3, 1892, was transmitted to the Department January 6, 1893, with a draft of bill to ratify the same, and was by the President transmitted to Congress for its action. The agreement was not, however, ratified by Congress at its last session, and until it is ratified no steps can be taken looking to allotments of land in severalty and permanent settlement of these Indians.

## LOGGING BY INDIANS.

*Menomonee Reservation, Wisconsin.*—The Menomonee Indians on their reservation in Wisconsin during the winter of 1892 and spring of 1893 engaged, as usual, in logging, under act of June 12, 1890, and succeeded in banking the entire quantity allowed by the act to be sold each year, viz: 20,000,000 feet.

As the act referred to places the authority to permit and regulate the logging in the hands of the Secretary of the Interior, it is customary each season to ask the Department to consider and approve such rules as shall govern during the year. Therefore, July 16, 1892, this office wrote to the agent as follows:

> Consult with the logging superintendent and let me know as soon as convenient if any change in last season's rules is necessary or desirable, and if so, specify said changes and give your reasons for recommending them fully, as I intend to recommend to the honorable Secretary that he continue last season's rules in force just as they are, unless some good reason for modifying them is presented.

September 12, 1892, the agent replied as follows:

In response to request would respectfully state that modifications of these rules have been under consideration with the superintendent, and we have concluded that it will be best to adopt the rules of last winter with the following amendments:

First. That in addition to the number of feet of logs to be banked, as provided in his contract, each contractor may be permitted to cut butts and tops of timber left in logging, into shingle bolts, and bank the same for his own benefit, under the direction of the superintendent of logging. That such shingle timber shall be scaled or measured by the regular log scalers on duty at the respective camps, and that all shingle bolts so banked and scaled shall be advertised and sold to the highest bidder, under sealed proposals, in the same manner that the logs are advertised and sold. All money received for such shingle timber, after paying expenses of advertising and sale, shall be paid to the Menomonee contractor who prepared such timber for market.

Second. That rules be so amended as to authorize paying scalers $2.75 per day, instead of $2.50; they to pay their own board.

These additions are intended to help the loggers to more pay for the winter's work by saving a large quantity of timber in shingle bolts which would otherwise go to waste, and as it will add to the care and responsibility of scalers, slightly increasing their per diem.

On receipt of this the office wrote to the Secretary of the Interior as follows:

I have the honor to submit herewith a communication from Mr. Charles S. Kelsey, agent, Green Bay Agency, Wis., dated September 12, 1892, in reply to an inquiry by this office as to whether any change is desirable this season in the rules for logging by the Menomonee Indians, under provisions of act of June 12, 1890 (26 Stats., 146), from those approved by the Department under dates of June 26 and October 27, 1891, to govern last season's operations, which rules are as follows:

First. That the agent of Green Bay Agency, Wis., with the assistance of the superintendent of logging, enter into agreements with individual Monomonees, to pay each a certain price for timber delivered upon the river banks; separate contracts to be made for delivery of pine, from those made for delivery of other kinds of timber; that in no case shall more than $5 per 1,000 feet be paid for pine, or $2.50 per 1,000 feet for any other kind of timber, and that all agreements shall be made subject to the approval of the Commissioner of Indian Affairs.

Second. That each contractor, or boss of a squad, be paid a rate to be agreed upon, for cutting and banking timber, in proportion to, and in harmony with all the conditions under which the timber he is to cut and bank, is situated; the location of each contractor's timber, price to be allowed him per 1,000 feet, and number of feet he will be allowed to bank, to be determined upon, and named in each contract, before signing; said contracts to be executed in duplicate, one copy to be handed to the logger, and all necessary instructions given to him, before he commences operations, to abide by which, he must signify his full consent.

Third. That a definite time be agreed upon, and named in each contract, for commencing work by each contractor, and a date fixed by the agent and superintendent, of which due notice will be given to the Indians, after which no more applications for the privilege of logging will be received, or contracts made.

Fourth. That any contractor banking more logs than his contract calls for, shall forfeit the surplus.

Fifth. That a sufficient number of scalers and assistant scalers be employed to keep the logs scaled up every week, and to be sworn to perform their duties faithfully; the scalers to be paid $2.50 per day, and the assistant scalers, $2 per day each, without board.

Sixth. That the scalers make report to the agent every two weeks, showing the exact number of feet banked by each contractor during that time.

Seventh. That when one-half of the logs, contracted for by any Menomonee, shall be banked as required, and measurement of the same returned to the agent, 50 per cent of price for banking such logs may be paid to such contractor. And when the entire contract shall be completed full payment shall be made on the 15th day of April, 1892, or as soon thereafter as practicable, and the logger shall pay all arrearages for labor at this latter payment.

Eighth. That contractors shall pay a fair, reasonable, and usual rate of wages to their assistants, and shall, under the supervision of the superintendent, furnish the agent with a monthly statement showing the amount due to each laborer at the end of every month.

Ninth. That no outside Indians be allowed to assist in banking Menomonee logs without the consent of the agent or superintendent; Menomonee Indians to have the preference in all cases.

Tenth. That no squaw-man or white man of any class be allowed to take part in the logging, in any capacity whatever, except when authorized by the agent and approved by the department.

Eleventh. That no contractor shall be interested in more than one contract at the same time.

Twelfth. That all traders or other persons supplying the Indians with goods for the logging be required to furnish a price list, a statement of their accounts with the Indians, and, whenever so required, an itemized statement of goods furnished.

Thirteenth. That the agent may give the contractor a statement showing the amount then due and the amount (50 per cent) reserved for labor: *Provided*, That it is expressly stated that neither the Government nor the agent guarantees any part of the indebtedness that the logger may incur.

Fourteenth. That no logs are to be scaled unless properly landed and marked, and landings and rollways cleared before logs are landed.

It will be observed that the agent, after having consulted with the superintendent of logging, concludes that an addition to the rules is advisable, which would permit the various loggers to bank and sell for shingle bolts the butts and tops left from lumber they cut this season in addition to the 20,000,000 feet of timber allowed by law.

This office is in favor of allowing this refuse timber to be utilized as suggested, as, unless so disposed of, it will go to waste and it is a source of danger from fire, and, therefore, so recommended to the Department under date of 29th September, 1891, and the Department replied under date of October 7, 1891, authorizing its sale.

After a time, however, it transpired that owing to the Indians having acted in bad faith, and lax supervision on the part of the agent and superintendent, green standing timber, fit for logs, was cut up and sold contrary to law. The inducement the loggers have to do this is that while for shingle bolts they obtain about $5.50 per 1,000 they are paid for banking logs only about $3.25 per 1,000 feet. Inspector Gardner investigated this matter and reported—

A considerable number of these shingle bolts measured 11½ feet in length. These 11½ feet logs were purposely cut these lengths so that they could not be scaled (lumber) logs, as all logs must measure 12 feet or more. * * * It will thus be seen that the privilege granted the Indians to cut and sell shingle bolts from butts and tops to prevent waste had been to some extent abused.

In view of all the facts I am of the opinion that it would not be wise to include in the rules for logging this season any provision for sale of shingle bolts, and respectfully recommend that the rules above quoted, which were in force during the logging season of 1891 and 1892, be approved without change or addition for the season of 1892 and 1893.

I have written Agent Kelsey to know if he and the superintendent of logging can make such arrangements as would effectively prevent any abuse in future of the privilege to sell shingle bolts, provided it be granted, to take effect after the regular logging operations of next season are concluded, until which time I would not recommend that any such authority be granted, or the Indians given to understand that it would be allowed, which matter will be again brought to the attention of the Department at the proper time, if necessary.

It will be observed that the agent's recommendation to amend rule 5, so as to allow scalers $2.75 per 1,000 feet, in place of $2.50, was not referred to by this office.

To this letter the Department replied, September 24, 1892, as follows:

In accordance with the recommendation contained in your communication of 16th instant, the rules governing last year's logging operations by the Menomonee Indians, under the provisions of the act of June 12,1890 (26 Stats., 146), are hereby approved, without change or addition, for the season of 1892 and 1893.

September 28 the office informed the agent of this decision, and added:

Your suggestion that a provision be inserted allowing the Menomonees to market the tops and butts for shingle bolts was not thought to be advisable, in view of the fact that an inspector had reported that they acted in bad faith before, and although it may be that after their season of regular logging is over they may be allowed, under proper rules for the prevention of abuses, to market the refuse timber, no action in that direction will be taken now, as they might, notwithstanding all your efforts to prevent, repeat their cutting of short timber so as to bring it into the shingle-bolt class while engaged in their regular (lumber) timber cutting.

You should bring this matter to the attention of this office again at the proper time.

On the 10th of the following January the agent reported that as the snow had fallen earlier than usual it would be wise to offer the logs for sale early that bidders might have the advantage of the spring floods. Consequently the Department, under date of January 18, 1893, authorized the following advertisement to be published for a period of three weeks in the daily editions of the Milwaukee Sentinel, Oshkosh Northwestern, and Green Bay Gazette.

INDIAN LOGS FOR SALE.

MENOMONEE.

Sealed proposals marked "Bids for Menomonee logs," addressed to the undersigned, will be received until 2 o'clock, p. m. of Monday, February 20, 1892.

There are to be sold not to exceed 20,000,000 feet of pine logs, now banked or to be banked partly on the south branch of the Oconto River and partly on the Wolf River and tributaries, on the Menomonee Reservation in Wisconsin, in five lots, and in quantities nearly as follows:

Not exceeding 4,400,234 feet on Wolf River, marked U. S. 1.

Not exceeding 4,628,502 feet on Little West Branch of Wolf River, marked U. S. 2.

Not exceeding 2,457,106 feet on West Branch of Wolf River, marked U. S. 3.

Not exceeding 3,885,656 feet below dam on South Branch of Oconto, marked U. S. 5.

Not exceeding 4,628,502 feet above dam on South Branch of Oconto, marked U. S. 6.

Separate bids will be considered for each lot.

The logs will be scaled by sworn scalers, whose work can be readily tested.

Payment for the logs must be made within ten days after notification of a confirmation of sale.

No logs to be removed from the reservation until paid for.

Each bid, to be considered, must be accompanied by a certified check for 5 per cent of the amount of the bid (or as near that per cent as practicable to ascertain) on some United States depository or solvent national bank, drawn to the order of the undersigned as United States Indian agent.

The bids will be opened in the presence of the bidders, in the office of the Green Bay Agency, at Keshena, Wis., at 2 o'clock p. m. of February 20, 1893.

Awards will be made to the highest bidder or bidders, but no sale to be valid until confirmed by the honorable Secretary of the Interior, who reserves the right to reject any or all bids, if to do so is believed to be for the best interest of the Indians.

Checks of parties whose bids are not accepted will be returned to them after the sale has been consummated. If parties whose bids are accepted fail to comply with

the requirements of the Indian department in the purchase or payment for said logs as advertised, their checks will be forfeited and the logs awarded to the next highest bidder or bidders, or resold, as may be deemed for the best interest of the Indians.

The agent was also authorized to have handbills printed for distribution amongst prospective bidders, calling attention to the proposed sale. February 20, 1893, he wrote to this office inclosing abstract of bids received, viz:

| Bidders. | Logging camp. | Per 1,000 feet. |
|---|---|---|
| No. 1. Oconto Co | West Branch Oconto | $13.00 |
| Do | South Branch Oconto | 13.00 |
| No. 2. W. P. Cook & Bro | Main Wolf River | 11.45 |
| Do | Little West Branch | 11.17 |
| Do | West Branch Wolf | 11.98 |
| Do | South Branch Oconto, above dam | 14.08 |
| Do | South Branch Oconto, below dam | 12.25 |
| Do | On all banked | 12.21 |
| No. 3. D. Jennings | South Branch Oconto, above dam | 11.87 |
| Do | South Branch Oconto, below dam | 11.87 |
| No. 4. D. Jennings | Main Wolf River | 11.87 |
| Do | Little West Branch | 11.87 |
| Do | West Branch of Wolf | 11.87 |
| No. 5. Hollister & McMillan | On all banked | 13.75 |

On February 23, 1893, these bids were submitted to the Department by this office with the following remarks:

It will be observed by reference to the schedule of bids submitted by Agent Kelsey that Hollister & McMillan's bid is the highest for all, and also the highest for each lot, viz, $13.75 per 1,000 feet, except the bid of W. P. Cook & Bro., viz, $14.08 for those banked on the South Branch of the Oconto River, amounting to 4,628,502 feet; but the bids of this firm for the other lots are so much below that of Hollister & McMillan as to bring down the total offered by Cook & Bro. to $244,287.76, or $30,712.24 less than that of Hollister & McMillan.

I therefore join Agent Kelsey in recommending that bid No. 5, by Messrs. Hollister & McMillan, viz, $13.75 per 1,000 feet for all be accepted, and the sale to the last-named firm be confirmed.

In view of these facts the Department replied on the next day, confirming the sale of all the 20,000,000 feet to Messrs. Hollister & McMillan, and in due time the $275,000 was deposited in the United States Treasury for the benefit of the Menomonees, as required by the act.

The average price paid to the loggers for labor banking the logs was nearly $3.39 per 1,000 feet. The largest sum received by any squad for this work was $3,599.95 and the lowest $157.14.

The entire expense connected with the season's work was:

| | | |
|---|---|---|
| Gross proceeds | | $275,000.00 |
| Paid to loggers | $67,802.50 | |
| Salary of superintendent | 1,800.00 | |
| Salary of assistant superintendent | 386.67 | |
| Assistant clerical work | 47.50 | |
| Foreman of scalers | 231.00 | |
| Scalers | 1,037.50 | |
| Assistant scalers | 254.75 | |

| | | |
|---|---|---|
| Subsistence of superintendent's team | $104.19 | |
| Repairs to harness, etc | 30.60 | |
| Printing and advertising | 181.98 | $71,876.69 |
| Net proceeds | | 203,123.31 |
| Of which one-fifth is, by the terms of the act, subject to be used for the benefit of the Indians, at the discretion of the Secretary of the Interior, viz | | 40,624.66 |
| Balance placed to the credit of the tribe, to bear 5 per cent interest, such interest to be paid to the tribe per capita or expended for their benefit, at the discretion of the Secretary of the Interior | | 162,498.65 |

Thus a fund is yearly and rapidly accumulating to the credit of the Menomonees in the United States Treasury.

As noted above, and as stated in last year's report, these Menomonees, in 1891, claimed that they were in need of some means of earning a livelihood in addition to that obtained from handling of their timber under provisions of the act; and they were allowed to market the tops and butts of the trees which they had cut for use as shingle bolts. But when they were suspected of cutting standing trees for that purpose contrary to law the shingle timber which was being removed was seized by the agent and the proceeds of its sale, amounting to $494.25, were held by him awaiting instructions.

The matter having been referred to the General Land Office, as required by law, the Commissioner replied, June 6 last, that owing to the insufficiency of the appropriation at his disposal it would be impossible for him to make any early investigation of the matter. In an earlier communication of the subject, dated May 20, 1892, he had said:

> You are advised, however, that where the agent has any reasonable doubt as to whether the timber was unlawfully cut, the Indians should have the benefit of the doubt.

The attention of the agent having been called to this and his opinion asked he replied June 19:

> The assistant superintendent of logging not now being in Government employ, and in the absence of positive proof as to the character of the timber and the uncertainty of proving that there was illegality in the cutting, I would respectfully recommend that the Indians be given the benefit of the doubt (as recommended), and that I be authorized to pay the money, amounting to $494.25, to those entitled to it.

In view of all the facts he was authorized to pay the money over, and the General Land Office was so notified.

The agent and leading Indians having given assurance that if the privilege of marketing this class of refuse timber was renewed no wrong advantage would again be taken of it, the Department, on recommendation of this office, under date of February 3, 1893, renewed the authority of October 7, 1891, adding the following provisions:

> That the agent and logging superintendent be required to enforce such rules and regulations as will effectually prevent any illegal cutting.
>
> That the shingle bolts are to be scaled by properly qualified scalers.

That they are to be advertised and sold by the agent at Green Bay Agency.

That all expense connected with scaling, advertising, sale, etc., be paid from the proceeds of sale.

That 10 per cent of the net amount realized be set apart as stumpage or poor fund.

That the balance remaining be divided amongst the loggers in proportion to the quantity of shingle-bolt timber each banked, and that every Menomonee who cuts any timber illegally under this authority shall forfeit all he banks.

About two and one-half million feet of shingle timber were banked under this authority, which the agent was instructed to advertise for sale, sealed bids to be received at his office, to be opened May 12, 1893. On the evening of the day of sale the agent wrote:

Herewith is respectfully forwarded abstract of bids this day received for shingle bolts banked by Menomonee Indians during the spring of 1893.

| Name of bidder. | Place of delivery. | Rate per 1,000 feet. |
|---|---|---|
| Hollister & McMillan | Oconto tributaries | $3.00 |
| Do | Wolf and tributaries | 3.00 |
| S. W. Hollister | do | 3.35 |
| W. P. Cook & Bro | Oconto and tributaries | 3.50 |
| Black Bros | Wolf and tributaries | 3.27 |
| Do | Oconto and tributaries | 3.27 |

Returns by scalers show that 951,136 feet have been banked on the Wolf River and tributaries, and 1,768,444 feet have been banked on the South Branch of the Oconto River. The highest bid for bolts on the Oconto is $3.50 per 1,000, and for those on the Wolf and tributaries the highest bid is $3.35 per 1,000. In my opinion this timber is worth much more than the prices offered, which would hardly meet the labor and expense in banking, and would therefore recommend readvertising for sale at auction.

In view of these facts, and on recommendation of this office, the Department, under date of 23d May, 1893, directed that none of these bids be accepted and that this timber be advertised for two weeks in the "Der Seebote," of Milwaukee, Wis., the Oshkosh Times, and the Advocate, of Green Bay, and sold at public auction for cash.

Consequently, June 17, 1893, the agent made the following report of the sale of these logs:

I have the honor to report that in accordance with the authority contained in your letter of May 29, 1893, the Menomonee shingle bolts were sold at auction to-day, June 17, 1893, under the terms of the following advertisement:

SHINGLE BOLTS AT AUCTION.

About 2,000,000 feet—more or less—of shingle bolts on the Menomonee reservation will be offered for sale and sold at public auction to the highest bidder for cash, subject to the approval of the honorable Commissioner of Indian Affairs, at the office of the Green Bay Agency, in Keshena, Shawano County, Wis., on Saturday, the 17th day of June, 1893, at 2 o'clock p. m.

Separate bids will be received for the bolts banked upon the south branch of the Oconto River, and those banked upon the Wolf River and tributaries.

To assure good faith by bidders, each will deposit a certified check for $250, drawn upon some solvent National bank, payable to the order of the undersigned as United States Indian Agent. In case the successful bidder shall fail to deposit pay for said timber as required, after the sale shall be approved by the honorable Commissioner of Indian Affairs, his check will be forfeited. Checks of the unsuccessful bidders will be returned to them after the sale.

There were certified checks deposited by S. W. Hollister, Joseph Black, W. P. Cook, and Stelling Bros. The 1,189,731 feet which the rescale shows to be left upon

the south branch of the Oconto River started at $2.35, and were bid in by Stelling Bros. at $4.10. The 955,746 feet on the Wolf River and tributaries started at $2.35 and were bid in by S. W. Hollister at $4.55.

After the sale Mr. Stelling presented the inclosed paper with the request to forward, showing an agreement by Indians to roll timber into the stream, and to pay certain indebtedness, as a condition of purchasing bolts by Stelling, with a view of obtaining approval of said agreement. This was not a condition of the bid, because not made public; but there is no doubt but a much higher price was realized in consequence of the Stelling bids.

In consideration of the lateness of the season, and the difficulty of procuring money loans by lumbermen, the prices, are, I think, as high as can be obtained this season, therefore I recommend approval of the sale.

On recommendation of this office the Department, June 29, 1893, accepted the offers of Stelling Bros. and S. W. Hollister, and confirmed the sales to them as follows:

| | |
|---|---|
| S. W. Hollister, 955,746 feet, at $4.55 per 1,000 | $4,348.64 |
| Stelling Bros., 191,376 feet, at $4.10, per 1,000 | 4,884.73 |
| Total | 9,233.37 |

This will result to the Indians who did the work and to the tribal poor fund as follows:

| | |
|---|---|
| Gross receipts | $9,233.36 |
| Scaling and incidental expenses | 386.85 |
| Net receipts | 8,846.51 |
| 10 per cent for stumpage or poor fund | 884.66 |
| Amount to be divided among the loggers | 7,961.85 |

It will be observed that the quantity sold fell short of the original scale by 572,658 feet. This is the result of a fire which started in the woods after the first scale, and before sale was effected, rendering a new scale necessary, and this fact in part accounts for the excessive expense of scaling, advertising, etc., as compared with the quantity of timber handled.

No intimation even has reached this office that illegal cutting was done; and as a quantity of timber was utilized, which would otherwise have been lost, and as such shingle-bolt logging gives employment to many who would otherwise be idle for months, it is my opinion that it should be allowed next season, and the matter will again be brought to the attention of the Department.

*Fond du Lac Reservation, Minn.*—No timber has been marketed from the Fond du Lac reservation since the stopping in 1891 of the unlawful logging operations of J. S. Stack, a full history of which was given in the last Annual Report of the Commissioner of Indian Affairs.

The office submitted a special report to the Department, September 10, 1892, on the facts brought out in the investigation of the trespass committed on the timber of this reservation, made under the direction of the Commissioner of the General Land Office. In that report the opinion was expressed that "both Mr. Stack and Mr. Leahy should be proceeded against in civil suit for the recovery of the value of the tim-

ber taken from the reservation by their connivance, and that criminal proceedings should be commenced against them under section 5388 of the Revised Statutes as amended by the act of June 4, 1888 (25 Stats., 166);" and the recommendation was made that the Commissioner of the General Land Office be directed to take the steps necessary to have the suits and indictments indicated brought against the parties named. No further information on this matter has been received in this office as the whole matter is for the consideration and action of the General Land Office.

After the stopping of the cutting carried on under Mr. Stack's management, the Indians were without work, and in the spring and summer of 1892 it was reported to this office that they were in a most destitute condition. An effort was made to give them relief by authorizing the establishment by responsible parties, of a shingle and lath mill on the reservation for the purpose of creating a market for the sale of the old butts, laps, and other waste timber left by lumbermen on the old cuttings on the reservation. As was reported last year, regulations were approved by the President, July 14, 1892, to govern the sale of the "down and abandoned" timber by the Indians, and the manufacture thereof into shingles and laths. This plan, however, was never put in operation, and no timber operations on the reservation have been carried on.

*Lac du Flambeau Reservation, Wis.*—During the spring and summer of 1891, an inspector of the Department investigated the condition of the Indians of the various reservations attached to the La Pointe Agency in Wisconsin, and, among other things, reported the Indians of the Lac du Flambeau Reservation to be in a most destitute and almost starving condition, and urgently recommended that the Department adopt some plan by which they could sell the dead and down timber on the unallotted portions of the reservation so that they would be given an opportunity to earn subsistence for themselves and families during the winter of 1891–'92. He also reported that on account of fires and high winds which occurred during the winter of 1890–'91, and spring of 1891, large quantities of timber had been killed and would be available for market under the act of February 16, 1889 (25 Stats., 673), if the Indians could be assisted with money for purchase of logging outfits and supplies.

Upon receipt of this report, referred to this office by the Department, the Indian agent for the La Pointe Agency was instructed that there were no funds in the control of the office that could be applied to the purchase of logging outfits for the Indians. However, if he thought it impracticable to have logging done on the stumpage plan which was proposed for the season before (and which failed on account of the scarcity of dead timber on the reservation as claimed by the lumbermen) money could be used for the purchase of food and clothing for the Indians, under resolution of February 11, 1890 (26 Stats., 669), if they

could arrange to buy the teams and other things necessary for a logging outfit, the outfit to be paid for in the spring when the logs should be sold.

The agent thought the dead timber on the reservation could be sold on the stumpage plan authorized for the season of 1890–'91, and upon the recommendation of this office and the Department the President granted authority for the sale of dead and down timber on the Lac Court d'Oreilles, Bad River, and Lac du Flambeau reservations during the season of 1891–'92, and prescribed the following regulations to govern the logging, viz:

1. The agent for the Indians at the La Pointe Agency, Wis., shall give ten days' notice by publication in the newspapers at the places where the usual markets for logs exist, and by such other means as shall give the greatest publicity, that he will receive proposals for the purchase of dead and down timber, standing or fallen on each of the following reservations: Bad River, Lac Court d'Oreilles, and Lac du Flambeau, or any particular portion thereof.

2. Neither these regulations nor any contract made thereunder shall authorize the sale or removal of any timber heretofore cut under authority, or pretended authority, of any contract where such timber is the subject of litigation in any of the courts or before any of the Executive Departments.

3. The right to reject any and all bids, or to accept a bid as to any particular portion of a reservation, while rejecting the remainder, shall be reserved.

4. The successful bidder shall be required to enter into contract and to give bond, with good and sufficient sureties, for the faithful performance of the same.

5. Each contractor shall be required to employ Indian labor, whenever suitable, and the same can be obtained on equal terms.

6. No green or growing timber shall be cut or moved. Any violation of this provision will subject the contractor to prosecution and punishment, under section 5388 of the Revised Statutes, as amended by act of June 4, 1888 (25 Stats., 166), as well as forcible removal from the reservation, and will work a forfeiture of his contract and all rights thereunder.

7. Payment of the stipulated price shall be made before the logs are driven in the spring, unless special permission be given by the party of the first part to drive the logs to the boom.

8. One-half of the cost of scaling to be paid for by the contractor and the other half to be deducted from the proceeds

9. After deducting one-half of the scaling, cost of advertising, etc., the proceeds shall be paid to the Indian agent, to be expended for the relief of needy and destitute Indians of the reservation from which the proceeds are derived, under the direction of the Commissioner of Indian Affairs.

Bids for the purchase of timber were advertised for in accordance with the provisions of regulation 1, above quoted, and two bids were received for timber on the Lac du Flambeau Reservation, one of the bidders offering 60 cents per thousand feet for the dead timber, standing or fallen, on certain sections, and the other offering $1.10 per thousand feet for timber on certain other sections on the reservation. Another bid of $1.25 per thousand feet was received after the opening of the two first-mentioned bids. All of these bids were rejected—the first two because they were too low, and the other upon its renewal on readvertisement, because the bidder had been guilty of trespass on the reservation, for which the Government was taking steps to prosecute him.

Thus it was that another winter passed, and while large quantities of timber on the reservations were going to waste, the Indians were left without any relief from their destitute condition except that afforded by the meager annuities payable to them under treaty. This was the situation on the Lac du Flambeau Reservation when propositions were received from Messrs. J. H. Cushway & Co., a firm of lumber dealers of Ludington, Mich., to purchase timber on the unallotted lands of the reservation as follows:

First. We propose to locate a saw and shingle mill on leased property on said reservation, the sawmill to have a capacity of not less than 50,000 feet per day and the shingle mill to have a capacity of not less than 200,000 shingles per day.

Second. In order to stock such mills we propose to purchase from the Lac du Flambeau Indians, from lands allotted and hereafter to be allotted on said reservation, all merchantable pine, hemlock, birch, and Norway timber, under the following schedule of rates, to wit:

| | | |
|---|---|---|
| Merchantable birch | per M stumpage.. | $1.00 |
| Merchantable hemlock | do.... | .50 |
| Merchantable Norway | do.... | 2.00 |
| Pine, shingle timber | do.... | .65 |
| Dead and down merchantable timber, pine | do.... | 2.00 |
| Green pine, merchantable | do.... | 4.00 |

Third. All of the above timber to be cut clean so as to realize to the Indians the full value of all the timber on each allotment.

Fourth. Payments are to be made under the direction and according to the regulations of the Department of the Interior.

Fifth. All of the above timber is to be manufactured into lumber and shingles upon such reservation.

Sixth. As far as practicable Indian labor to be employed at all times and in every capacity to the exclusion of white labor.

Seventh. All inspection of timber to be made under the control of the Interior Department.

Eighth. We stand ready to give bond in such reasonable amount and with such sureties as may be required by the Department for the faithful performance of such undertaking.

The plan proposed appeared feasible and very favorable to the Indians; and the prices offered being so much better than had been obtained for the timber sold before from allotments on the reservation, the office in a report of September 13, 1892, to the Department, recommended that the President be requested to grant authority for the sale of all the timber on the allotted lands, and the dead and down timber on the unallotted lands of the reservation, and submitted a draft of regulations to govern the operations of the lumber firm on the reservation as follows:

1. The Indians on the Lac du Flambeau Reservation, in the State of Wisconsin, to whom allotments have been made and patents issued, as shown by a schedule hereto appended, are hereby authorized to sell on stumpage all the timber, standing or fallen, on their respective allotments, to J. H. Cushway & Co., of Ludington, Mich., under the supervision of the U. S. Indian agent for the La Pointe Agency, provided said Cushway & Co. shall first establish a mill on the reservation for the manufacture of said timber into lumber and shingles before same is shipped therefrom, and shall

give bond in a sufficient sum, to be fixed by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, conditioned for the faithful observance of all laws of the United States now in force or that may hereafter be enacted relative to trade and intercourse with the Indian tribes and the regulations prescribed or that may be prescribed thereunder, for the purchase of the timber from such of the Indian allottees as desire to sell the same, and will enter into contract therefor at not less than the following prices per thousand feet, viz:

| | | |
|---|---|---|
| Merchantable birch | per M stumpage | $1.00 |
| Merchantable hemlock | do | .50 |
| Merchantable Norway | do | 2.00 |
| Pine shingle timber | do | .65 |
| Dead and down merchantable pine | do | 2.00 |
| Green merchantable pine | do | 4.00 |

2. Before any timber shall be cut under the foregoing authority from any allotted tract a contract shall be entered into between the said Cushway & Co. and the Indian to whom such allotted tract has been patented, in such form as shall be prescribed by the Commissioner of Indian Affairs, which contract, however, shall not be of force until the Commissioner of Indian Affairs shall have indorsed his approval thereon, which approval shall operate as specific consent of the Executive to the sale of the timber to which each contract may relate.

3. The Indian agent for the La Pointe Agency, Wis., shall see that the said Cushway & Co. shall employ Indians in the cutting, moving, and manufacturing of timber when practicable, on the same terms as other labor, and said company shall agree to employ Indians who may be willing to work in doing the logging authorized hereby.

4. The Indian agent shall be authorized, for and on behalf of the Lac du Flambeau Indians, to enter into contracts from time to time with the said Cushway & Co. for the sale on stumpage of the dead and down timber on the unalloted lands of the Lac du Flambeau Reservation, which contracts shall specify by legal subdivisions the portion of the reservation authorized to be cut over thereunder, and shall be approved by the Commissioner of Indian Affairs in like manner as is provided for the approval of the contracts of individual Indians for the sale of timber on the allotted lands; but no contract made in pursuance of this regulation shall be construed as authorizing the sale or removal of any timber heretofore cut under authority or pretended authority of any contract, where such timber is in litigation in any of the courts or before any of the Executive Departments.

5. No green or growing timber shall be cut or removed from the unallotted lands of the reservation, and any violation of this provision by said Cushway & Co. will subject them to liability to prosecution and punishment under section 5388 of the Revised Statutes, as amended by act of June 4, 1888 (25 Stats., 166), as well as forcible removal from the reservation, and suit on their bond; and shall work also a forfeiture of all contracts for timber thereon and all rights under such contracts.

6. One-half of the cost of scaling shall be paid by said Cushway & Co. and the other half shall be paid from the proceeds of the sale of the timber.

7. After deducting one-half of the scaling and other necessary expenses chargeable against the same, the proceeds of timber sold from the unallotted portions of the reservation shall be paid to the Indian agent, to be expended for the relief and benefit of the Indians of the reservation, under the direction of the Commissioner of Indian Affairs; and the proceeds of timber taken from the allotted lands of the reservation shall, after the deductions above stated, be deposited in some national bank subject to check of the Indian owner of the allotment, countersigned by the Indian Agent for the La Pointe Agency, unless otherwise stipulated in contracts with particular Indians.

8. The farmer in charge of the reservation shall, under direction of the agent, be required to supervise the logging on the reservation under these regulations to the

end that no injustice is done the Indians, and no green and growing timber is cut and removed except in accordance with these regulations, and all moneys for stumpage shall be paid to him or the agent in trust for the Indians or Indian owner, to be by him deposited or accounted for according to the foregoing rule, unless otherwise stipulated in the contract with such Indian owner.

September 28, 1892, the President granted the necessary authority and approved the regulations above quoted; and Messrs. Cushway & Co. having filed the bond of $50,000 required by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior, some seventy-eight contracts with allottees* were approved by this office. The Department also approved the selection of a mill site on unallotted lands with a right of way for a 2-mile side track to connect said mill site with the Milwaukee, Lake Shore and Western Railroad, which passes through the reservation.

No contracts for the sale of dead and down timber on the unalloted lands of the reservation during the season of 1892–'93, were presented to the office for approval, but I have recently received a contract for the sale of dead and down timber during the season of 1893–'94. Inasmuch as the act of February 16, 1889 (25 Stats., 673), under which authority was granted for the sale of that class of timber on the common lands of the reservation, gives the President power to grant such authority from year to year only, and as the authority of September 28, 1892, expires before the season of 1893–'94 fairly begins, so far as dead and down timber not on allotments is concerned, said contract was transmitted to the Department July 21, 1893, with recommendation that Executive authority be requested for its appoval, the work to be performed under the regulations prescribed last year. No reply to this recommendation has yet been received.

## IRRIGATION.

*Sioux reservations.*—The Indian appropriation act for the current fiscal year contains an appropriation of $40,000—

For the construction, purchase, "and use of irrigating machinery and appliances on Indian reservations in the discretion of the Secretary of the Interior: * * * *Provided*, That of this sum a sufficient amount may be used to sink one artesian well at each of the three following places, namely: Rosebud Reservation, Standing Rock Reservation, and Pine Ridge Reservation, S. Dak., neither of said wells to cost more than five thousand dollars" (27 Stats., 631).

Correspondence has been had with contractors regarding the execution of the work, and August 15, 1893, this office recommended that the agents for the reservations named be authorized to employ labor to sink the wells. The sinking of these wells will be of much benefit to the

*A list of the names of Indians who are authorized to contract for the sale of timber on their allotments on Lac du Flambeau Reservation with a description of each allotment will be found on page ——.

Sioux, who have great need of water for irrigation and for domestic purposes.

*Pierre school.*—The school at Pierre, S. Dak., has been fortunate in obtaining a fine water supply for all purposes from an artesian well 1,191 feet deep, driven in May last. It has a flow of 780 gallons per minute and a pressure of 166 pounds to the inch; and there is also a flow of gas so strong and constant that the question of using it for heating and lighting at the school is under consideration. If such wells can be developed on the other side of the river, on the reservations of the Sioux, the outlook for that tribe will be much more encouraging.

*Crow Reservation.*—The agreement with the Crow Indians, in Montana, concluded December 12, 1890, was modified by a supplemental agreement, concluded August 27, 1892, by which the further sum of $200,000 of the funds of said Indians was set aside for the building of dams, canals, ditches, and laterals for purposes of irrigation on their reservation, not exceeding $100,000 to be expended in any one year. Superintendent Graves is making satisfactory progress in the work of construction. Indians are largely employed and he speaks in the highest terms of their industry and skill.

*Umatilla Reservation.*—By act approved January 12, 1893 (27 Stat., 417), Congress granted to the Blue Mountain Irrigation and Improvement Company, a corporation organized and existing under the laws of the State of Oregon, a right of way for reservoir and canals through the Umatilla Indian Reservation in that State. The grant authorizes that company to purchase so much of certain lands as may be required by them for the purposes of a reservoir and dam, with accompanying gounds, out of lands allotted to or selected by any Indians, if the said company shall be able to agree with the Indian owners or allottees upon the terms of purchase, the same to be approved and ratified by the Secretary of the Interior. The company is also authorized to construct and maintain a reservoir, dams, flumes, and such other structures and devices as may be necessary for storing, conveying, and distributing water, and to construct and maintain a main ditch or canal through a certain portion of the reservation, to convey water through the reservation and to points beyond it. The rights therein granted are upon certain express terms and conditions, one of which is that the Indians shall be compensated for the lands so taken and used; and another that those whose lands are so situated as to be capable of irrigation or supply from any ditch constructed, shall be furnished with water sufficient for purposes of agriculture and domestic use, under such rules and regulations and on such terms as the Secretary of the Interior shall prescribe.

W. C. La Dow, Eugene Rieth, and W. M. Beagle, all of Pendleton, Oregon, have been appointed commissioners under said act to inquire into and report to the Secretary of the Interior the facts as to any sales made, and to fix the amount of compensation to be paid the Indian

owners or allottees for lands taken for the main ditch, including damages thereby caused to other lands owned by them; also to fix the amount of compensation to be paid for any unallotted tribal lands required by the company for reservoir, dams, and adjacent grounds. The Commission is presumed to be now in the field engaged in the discharge of its duties.

The ditch with necessary grounds through the Umatilla Reservation, granted the Umatilla Irrigation Company of Oregon, by act of February 10, 1891 (26 Stat., 745), has been located and the consent of the Indians obtained in proper manner. The lands appropriated have been appraised and payment has been made by the company for all damages assessed. Under authority obtained from the Department to pay the respective allottees the amount assessed in their favor, and also to pay the sum assessed for tribal lands, funds have been placed in the hands of the agent with which to make such payments.

*Navajo Reservation.*—This office made the following recommendations pertaining to the Navajo Reservation, to the Department, July 30, 1890, and suggested that the President give the necessary instructions to carry the same into effect:

First. That the Navajo Reservation be divided, under the direction of the general commanding the Department of Arizona, into as many districts as he may in his judgment deem expedient, for the purpose of making a survey and contour map thereof, with a view to establishing a system of irrigation and developing a water supply thereon sufficient for the needs of all the Navajoes, together with their flocks and herds.

Second. That as many officers of proper rank, the number to be designated by the commanding general, be detailed from the Army, and one assigned to each of such districts, to make a preliminary topographical survey thereof, and to prepare from the results of such survey a contour, or topographical map, all upon the same scale and of similar character, so that a proper and correct map can be made of that large reservation.

Third. That the survey be made also with a view to establishing and maintaining a system of irrigation and developing a stock water supply sufficient for the Navajo Indians—in all, some 16,000 or 18,000—and that the irrigating ditches, or corrals, dams, laterals, etc., necessary for irrigation purposes, and the lands to be irrigated therefrom, be indicated on the proposed maps, together with the available and suitable places for artesian wells, bore wells to be worked by windmills, points in canyons or mountains where storage reservoirs may be constructed, or where springs or other sources of water supply may be developed.

Fourth. That an estimate of the cost of constructing the proposed ditches, dams, laterals, flumes, etc., necessary for irrigation purposes, be submitted in detail; that an estimate of the annual cost of maintaining and repairing the same be also submitted; and that the estimate of the cost of each artesian well, bore well, storage reservoir, etc., including machinery and appliances, be also submitted.

Fifth. That a full and complete report be made upon the question of the feasibility of constructing and maintaining a proper system of irrigation upon the Navajo Reservation, and of providing a suitable supply of water to meet the wants of all the Navajoes now there, and of those to be removed thither, the report to contain also any other information or plans necessary to put into successful operation the system proposed.

December 20, 1892, the War Department informed this Department that the surveys had been made as recommended, and transmitted the original reports of the army officers detailed for the work. The matter was referred to this office for its consideration and report. February 10, 1893, this office recommended to the Department that Congress be asked to appropriate $64,000 for the purpose of developing a water supply and a system of irrigation on the Navajo Reservation sufficient to meet the actual and immediate needs and wants of the Navajo Indians, upon the general plan submitted by the military officers. February 14, 1893, said office report, together with the reports of the officers referred to and accompanying documents and maps, was transmitted by the President to Congress. (See Senate Ex. Doc. No. 68, Fifty-second Congress, second session.)

Congress appropriated by clause contained in the Indian appropriation act, approved March 3, 1893 (27 Stat., 612), $40,000 for the construction of irrigating ditches and the development of a water supply for agricultural, stock, and domestic purposes on the Navajo Reservation. This sum, together with the amount—about $20,000—now available on the books of this office, appropriated at various times by Congress for the same purpose, will enable the Department to develop a sufficient water supply and establish a system of irrigation on that reservation, which will warrant the return thereto of roving Navajoes and the restraining of those who are in the habit of going beyond its limits to secure water and grass for their flocks and herds. This alone seems to be the proper solution of the vexed Navajo question.

Recommendation has been made to the Department for the appointment of some suitable and competent man to superintend the work proposed.

*Miscellaneous.*—During the last fiscal year the expenditure of some $42,554 for irrigating purposes was authorized. The principal part of this money was assigned to the Pima Reservation, Ariz.; Yakima, Wash.; Western Shoshone, Pyramid Lake, and Walker River reservations, Nev.; Flathead, Mont.; Fort Hall, Idaho; Ouray Reservation, in Utah; Fort Shaw Indian School Reservation, Mont.; Fort Mojave School Reservation, Ariz., and the Perris School Reservation, in California. Much of the money was expended in clearing and repairing ditches and in repairing dams already constructed.

So far as the construction of new systems of irrigation is concerned, I concur in the opinion of my predecessor, "that the money could be expended to better advantage, if the appointment of a competent engineer to superintend the work were authorized by law."

## TAXATION BY LOCAL AUTHORITIES.

*On property of licensed traders and Government employés on Indian reservations.*—In a report of January 30, 1893, Samuel L. Patrick, United States Indian agent, Sac and Fox Agency, Okla., asked for instructions on the question whether the Territorial authorities could come upon the Sac and Fox Reservation and assess and collect taxes from licensed traders and Government employés residing and doing business and employed on such reservation, stating that Keokuk, who is an Indian and a licensed trader, wished to know his status with respect to that question. Before answering the question propounded, the office instructed Agent Patrick, February 20, 1893, to report whether taxes had been assessed and collected, or attempt made to assess and collect them, on the property of the parties referred to in his letter; and, if so, to state specifically whose and what property on the reservation had been so taxed, etc.

In reply, Mr. Patrick reported, March 2, 1893, that the specific case of taxation on the reservation involving property of licensed traders was that of Keokuk, who was a licensed trader doing business on the quarter section of land upon which the agency is located; that his buildings and improvements were erected with funds received from the Government as annuities, surplus-land funds, etc.; that the township assessor requested him to list his property on the reservation, which he refused to do until the legal status of the question was known; and that he was assessed at the sum of $2,000, which included his buildings, stock in trade, and other property. As to the taxation of Government employés on the reservations he reported that the agency and school employés had been taxed on all furniture in their rooms, bedding, ornaments, watches, etc.

By an agreement which was ratified by Congress February 13, 1891 (26 Stat., 749), the Sac and Fox Indians, occupying a reservation within the Territory of Oklahoma, agreed to take allotments in severalty, and to cede the surplus lands of their reservation to the United States, reserving, however, 640 acres for school and school farm, and 160 acres for Government agency purposes. The 640 acres reserved for school and school farm are located in sections 15, 16, and 22, and are contiguous to the quarter section reserved for agency purposes, which is the SE. ¼ of sec. 21, T. 14 N., R. 6 E., a tract reserved by the following language, which appears in article 1 of the agreement above referred to, viz:

*Provided, however,* That the quarter section of land on which is now located the Sac and Fox Agency shall not pass to the United States by this cession, conveyance, transfer, surrender, and relinquishment, but shall remain the property of said Sac and Fox Nation to the full extent that it is now the property of said nation, subject only to the rights of the United States therein by reason of said agency being located thereon, and subject to the rights, legal and equitable, of those persons that are now located thereon.

This quarter section, therefore, remained after the agreement in the same status it formerly occupied; that is, it remained an Indian reservation.

The question submitted by Agent Patrick, then, had a more important and far-reaching significance than simply the taxing by the authorities of Oklahoma, of Keokuk's stock of goods and buildings located upon this tract, and of the watches, beds, and other personal effects held thereon by the school and agency employés stationed there by the Government. It involved the right of local authorities to enter upon Indian reservations and lay a tax on a means or instrumentality used by the United States in the performance of a duty belonging to the Government. I believe no question would be raised as to agency and school employés stationed on an Indian reservation being a part of the means or instrumentality used by the Government in the administration of Indian affairs. So, likewise, is the licensed Indian trader a means or instrumentality adopted by the Government to control the trade and intercourse of the whites with the Indian tribes. Through these means also the Indians are protected so far as the situation will admit against traffic in intoxicating liquor, and against having to pay exorbitant prices for necessary purchases.

In view of its importance, as involving a principle affecting every employé of the Indian service and licensed traders stationed and doing business on reservations not excepted from the jurisdiction of the State or Territory in which they are located, the question propounded by Agent Patrick was submitted for the consideration of the Department in a report of April 25, 1893, by this office. In its reply of May 5, 1893, the Department transmitted the following opinion of the Assistant Attorney-General for the Interior Department, in which it occurred:

> They [the authorities of Oklahoma] acquired no right to assess or tax the property on the agency reservation under the organic act, because to do so would impose a duty upon the person and a burden upon the property rights of the Indians, and as the said authorities are without powers outside of said act, it is my opinion that the question of the Commissioner must be answered in the negative.

May 10, 1893, this office instructed Agent Patrick agreeably with this opinion.

*On improvements and other property of Indian allottees.*—In his report relative to the question of taxation of the property of Keokuk and Government employés above discussed, Agent Patrick also stated that the Indians under his agency who had been allotted land had been "assessed on all personal property in their possession, including buildings, fences, plowed grounds, wells," etc. He stated further that this mode of assessing and taxing Indians had prevented them from making improvements, had caused many to scatter and leave the reservations, had prevented others that were away from returning, and had generally demoralized them; also, that the excessive valuation put upon property, and the rate of taxation, nearly 5 per cent, was a bad feature in the case and discouraging to the Indians.

With respect to this question Agent Patrick was instructed by this office April 20, 1893, that improvements of a permanent character made on allotments such as houses, fences, broken ground, etc., are a part of the realty; that while the allotments made to the Indians of his agency were so made in accordance with the provisions of agreements with the various tribes, they are held in trust by the United States for the use and benefit of the allottees for the period of twenty-five years, at the expiration of which period they are to be patented in fee to them discharged of the trust and free of all charges or incumbrances whatsoever. He was notified that in an opinion by the Attorney-General, dated July 27, 1888 (19 Opinions, 161), it was held that lands allotted to Indians under various acts of Congress—

> are exempt from State or Territorial taxation upon the ground above stated with reference to the act of 1884, namely, that the lands covered by the act are held by the United States for the period of twenty-five years in trust for the Indians, such trust being an agency for the exercise of a Federal power, and therefore outside the province of State or Territorial authority;

and that as improvements of a permanent character made on the allotments are a part of the lands it would follow under the Attorney-General's opinion that they are not taxable by the authorities of the Territory of Oklahoma.

With regard to the taxing of personal property of Indian allottees, such as stock, household furniture, and the like, by local authorities, respecting which the office has received numerous inquiries from all parts of the country, it has been uniformly held, and the office has so advised its correspondents, that however it might be as to the right of a State or Territory to assess or tax personal property of Indian allottees, acquired by purchase or inheritance, whatever articles may be issued to them by the Government are exempt from taxation, and in case of horses or cattle, such ruling applies also to their increase.

## CASH PAYMENTS TO INDIANS.

During last year over $3,000,000 was paid in cash to Indians other than the Five Civilized Tribes in fulfillment of treaty stipulations, as interest on funds held in trust for them on account of lands relinquished to the Government and for other debts due them by the Government, for labor performed and supplies furnished by them, etc., as follows:

| | |
|---|---|
| Fulfilling treaties, interest, etc | $2,096,064 |
| For services and for articles purchased from Indians | 975,147 |
| Total | 3,071,211 |

So far as this office has learned all the per capita payments were made in a satisfactory manner, except that some complaint has been received in regard to deduction of fees by an attorney, who it appears claims to have contracts with the Indians, which they are inclined

to repudiate. This matter is now under investigation. The above $2,096,064 includes $30,000 paid to the Santee Sioux, which is referred to more particularly on page 95.

The $975,147 paid to the Indians for services and supplies was earned by them in the following manner:

| | |
|---|---|
| Regular Indian employés at agencies | $108,700 |
| Regular Indian employés at schools | 91,691 |
| Irregular Indian employés at agencies | 55,500 |
| Irregular Indian employés at schools | 37,956 |
| Additional farmers | 13,700 |
| Interpreters | 17,700 |
| Police | 115,500 |
| Judges of Indian courts | 12,300 |
| Hauling supplies | 105,800 |
| Produce, hay, and other supplies purchased from Indians | 266,300 |
| Cutting and banking logs about | 150,000 |
| Total | 975,147 |

This sum stands for no small amount of labor on the part of the Indians, and is, of course, of vastly greater benefit to the recipients than would be a much larger sum paid to them without exacting any labor equivalent.

## FIELD MATRONS.

The first recognition by Congress of the need and propriety of having persons paid by the Government to instruct Indians in civilized pursuits is contained in the act of March 3, 1819. It appropriates $10,000 for the purpose and authorizes the President of the United States—

> In every case where he shall judge improvement in the habits and condition of such Indians practicable and that the means of instruction can be introduced with their own consent to employ capable persons of good moral character to instruct them in the modes of agriculture suited to their situations; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such rules and instructions as the President may give and prescribe for the regulation of their conduct in the discharge of their duties.

Subsequently many of the treaties with Indian tribes contained special provisions for the employment not only of farmers but also of blacksmiths, carpenters, millers, and other mechanics, who should both furnish Indian tribes the services needed in their respective lines, and also instruct Indian men to do such work for themselves. It was readily recognized that an Indian man could not be expected to plow a furrow, put up a house, shoe a horse, or manage a sawmill without continued and careful instruction. The Indian woman, however, was left to work out as best she could the problem of exchanging a tepee or wigwam for a neat, comfortable, and well-ordered home according to civilized standards. Even without a teacher the Indian man could learn much of farming, for instance, by watching his white neighbor; but the Indian woman had little chance to observe the methods of the housekeeper near her.

The result naturally was that into the one-roomed log houses were taken the habits of out-of-door life—irregular meals, rarely washed cooking utensils and clothes, an assortment of dogs, a general distribution among corners and on the floors of bedding and personal belongings, and a readiness to consider the floor a not inconvenient substitute for bedsteads, tables, and chairs. Open fires and ventilation gave place to the vitiated atmosphere of a close room overheated by a box stove. The occasional cleaning of house and grounds, which was previously effected by the removal of the house itself to another spot, being no longer practicable, accumulations of refuse gathered both inside and out. Dirt, disease, and degradation were the natural consequences. It is no wonder that Indians sometimes fail to take kindly to civilization presented in such guise, especially if, as is often the case, the floors are earth and the dirt roof leaks; nor that the "returned students" recoil from the squalid home, deprived of the freedom, fascination, and quasi dignity of a roving life.

The Indian woman has the conservatism and the subservience to custom of her sex. She also has the readiness to sacrifice her own feelings for the sake of her children, and will do whatever she realizes to be for their good. Her fingers are deft with the needle, and she will dress her children like those of her white neighbor if she knows how. She wants to give them the best of care in youth and in illness if some one will only show her what is best and help her to it; but she is bound and thwarted by ignorance, poverty, and long-established tribal custom.

Of course in all Indian boarding schools girls are instructed in the various branches of housekeeping; but unless a comparatively large number from one locality remain in school for a considerable number of years it is unreasonable to expect, though it is often demanded, that on their return they shall speedily and unaided reform the home life of their families and even their neighborhoods. Moreover, a large school has routine arrangements; subdivision of labor is closely marked out, daily tasks are regularly assigned, and what is needful for the work is supplied to the worker. At home, school training and habits must be adapted to the varying conditions and emergencies of housekeeping, where food supplies are scanty and irregular, ordinary household appliances are wanting, and even the water may be poor in quality and lacking in quantity. The courage, industry, ingenuity, economy, patience, and perseverance which the situation calls for ought not to be expected of a girl who has spent only some three to six of her sixteen to eighteen years among civilized surroundings. Indian girls do sometimes fail, and white girls would be expected to fail, under such circumstances.

The need of outside help at just this point has long been recognized by missionary societies, and no small proportion of the neat and well-ordered homes which are found among Indians are due to the labors in

this direction put forth by devoted missionaries of all denominations residing upon the reservations.

With the exception of an item in the Sioux treaty of 1868, which provided $500 annually for a matron, and one in the Chippewa treaty of 1865, which gave $1,000 annually to pay for the "teaching of Indian girls in domestic economy," the Government made no provision for this sort of work until upon the urgent request of this office and the petitions of philanthropists, Congress made the following appropriation in the Indian appropriation act of March 3, 1891:

To enable the Commissioner of Indian Affairs to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties at a rate not exceeding $60 per month, $2,500.

For last year, and for the current fiscal year, the appropriation was increased to $5,000. This will keep only seven matrons at work; but small as is the field which they can cover, and intangible as are many of its results, their work is of great value in hastening Indian civilization and putting it upon the right basis, which is the home basis.

During the three years of their employment, field matrons have been assigned to the following tribes: Yakamas, Cheyennes, and Arapahoes, Mission Indians, Poncas in Nebraska, Mexican Kickapoos, Sioux, Navajoes, and Moquis, the aim being to place them mainly among tribes who have received or are about to receive allotments, and who are endeavoring to adopt new modes of living.

Their duties were detailed in the last report and cover everything connected with domestic work, sewing, care of children, nursing the sick, improvement of house and premises, organizing of societies for mental, moral, and social advancement of old and young, and in fact anything which a woman of good judgment, quick sympathies, fertility of resource, large practical experience, abundant energy and sound health can find to do among an ignorant, superstitious, poor, and confiding people. Kindly house to house visitation, with practical lessons then and there of how to do what needs to be done, is the method employed, coupled with much hospitality and frequent gatherings in the home of the field matron, which home serves always as an object lesson, and often as a refuge.

Perhaps to no one more than the much talked of "returned student" does the field matron come with needed help just when the downpull of the camp is struggling with the memory of elevating school influences. Her neat home, her moral encouragement, her mental stimulus, may come in at just the critical point to prevent "relapsing," which usually comes from disheartenment. From a financial standpoint the "saving" in this way of only one or two students in a year would cover the cost of the matrons' salary if the expense of education is looked upon merely as a money investment.

I am so convinced of the valuable, though, as I have said, the often intangible, results of the work of a faithful field matron that I heartily *recommend* the renewal of the appropriation for such service.

Of course from a salary of $60 per month a matron can not provide herself with the needed small house for headquarters, a horse to enable her to visit distant families or camps, food and medicine for the sick, sewing materials of all sorts, and household appliances to be distributed in destitute homes. In some cases these are furnished from agency supplies, but more often they have been provided by private charity whose interest has been quickly enlisted in this practical method of elevating the condition of Indian women.

## SALE OF LIQUOR TO INDIANS.

Perhaps the most serious difficulty arising out of whisky drinking by Indians which has been brought to the notice of this office during the year, is the accidental shooting of an Indian by the physician and overseer in charge of the subagency on the Leech Lake Reservation attached to the White Earth Agency, Minn. The correspondence shows that after a per capita payment had been made to the Indians last May, they obtained a large quantity of alcohol and whisky and assembled at a remote point on the reservation where they remained for several days drinking and carousing. Dr. Walker, the physician, having been advised that a new supply of whisky was to be brought on the reservation, intercepted an Indian who had in his possession a valise which the doctor believed to contain whisky in bottles. As the Indian assumed a threatening manner, the doctor drew his revolver hoping thus to intimidate him, and the doctor says that the weapon was accidentally discharged inflicting a slight flesh wound in the face of the Indian. The shooting so incensed the Indians that it was found necessary to send troops to the reservation to prevent them from killing Dr. Walker and destroying Government property, and Dr. Walker was placed under arrest by the United States marshal. From last reports, which were received through military channels, it seems that the Indians are now quiet and no further trouble is anticipated.

Much trouble has arisen at reservations in the vicinity of military posts, where enlisted Indians are stationed, by the sale of liquor to the Indian soldiers, who, in turn, furnish it to the Indians of the reservation. The following instructions in regard to the responsibility of an agent for Indian soldiers enlisted from tribes under his jurisdiction was addressed October 15, 1892, to Hal. J. Cole, United States Indian agent for the Colville Agency in Washington, in reply to his report of September 2, 1892, in regard to the sale of liquor to Indian soldiers by a man named Fox:

In reply I have to say that this office believes that the United States is not relieved from the responsibility assumed by it for the protection of Indians against influences calculated to degrade them morally and prevent them from advancing in the knowledge and customs of civilization by the mere fact of their having been enlisted in the armies of the Government. They are still wards in a sense, and should be made

subject to the laws enacted for the benefit and protection of Indians, where they can without interference with their duties as soldiers.

I am not prepared to admit, and do not think it would be seriously claimed, that the enlistment of Indians from any reservation operates as a separation from the tribe to which they belong, within the meaning of the act of February 8, 1887 (24 Stats., 388), so as to constitute them citizens of the United States and free from the restrictions placed by law upon the dealings of whites and others with them. It is not necessary, to bring the selling of whisky to an Indian within section 2139 of the Revised Statutes, as amended by the act of July 23, 1892 (27 Stats., 260), that the Indian to whom the whisky is sold was at the time living on the reservation with his tribe, under the charge of an agent. For when a "tribe of Indians is placed under the charge of an Indian agent, by treaty or otherwise, each member of such tribe is under the charge of such agent, within the purview of section 2139 of the Revised Statutes, and no member thereof can dissolve his tribal relation or escape from such charge by absenting himself from such reservation, or otherwise, without the consent of the United States" (see United States *v.* Earl, 17 Fed. Rep., p. 75). This doctrine was reaffirmed on September 13, 1892, by the United States district court of California, Judge Morrow presiding, in the case of the United States *v.* Bernhart.

You will therefore confer with the United States district attorney for the district of Washington, with a view to having indictments brought against Mr. Fox for the sale of whisky to the Indian soldiers, if after canvassing the question he shall deem his conviction possible.

Agent Cole afterward reported that Mr. Fox had been arrested and that the United States jury had indicted him on three charges. June 13, 1893, the Attorney-General transmitted for the information of this Department a copy of a letter from the United States district attorney for the district of Washington, from which it appears that the man Fox was acquitted by the jury of the charge of selling whisky to the Indian soldiers. At the same time the court, Judge Hanford presiding, decided "that Indians enlisted in the Army are still under the charge of an Indian Agent, within the meaning of section 2139 Revised Statutes, and that it is unlawful to dispose of spirituous liquors to them." If this doctrine were adhered to and generally enforced by the courts, I believe it would result in lasting benefit to the enlisted Indians, and the military service of which they form a part, as well as to the Indian service generally.

Meantime it appears that officers of the Army commanding military posts where Indian soldiers were stationed have been greatly embarrassed by the excessive drinking of the enlisted Indians, who, being refused liquor at the post canteens, were able to get all the whisky they could pay for from saloons which seem always to exist near army posts. Lieut. J. C. Byron, commanding Troop L Third Cavalry, stationed at Fort Meade, S. Dak., found the evil so threatening to the welfare of the military service, as well as to the Indians, that he requested the authorities of the War Department to consider the plan of appointing him or causing him to be appointed a special agent in charge of the Indians at Fort Meade in order that he might, to some extent, at least, control the sale of liquor to them. This communica-

tion having been referred to this office through the Department for report, I replied under date of April 25, 1893, taking the position that Indian soldiers are already under the charge of an agent within the meaning of the law, and that were there authority of law for Lieut. Byron's appointment as special agent in charge of them it would not be necessary in order to punish persons for selling them liquor. I also referred to the indictment of Mr. Fox, and expressed the hope that the question as to the status of Indian soldiers with relation to section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27 Stats., 260), would, in the disposition of the cases, be authoritatively settled by the courts.

## EXHIBITION OF INDIANS.

April 12, 1893, the Department granted authority for Messrs. Cody and Salsbury to take 100 Indians for exhibition purposes at Chicago during the World's Columbian Exposition upon the understanding that said Cody and Salsbury are to pay the Indians for their services a fair compensation, to furnish them proper food and clothing, to pay their traveling and needful incidental expenses from the date of leaving the agencies until their return thereto, to protect them from all immoral influences and surroundings, to provide all needful medical attendance and medicine, to do everything that may be requisite for their health, comfort, and welfare, and to return the Indians to their reservations within the time specified by the Interior Department without charge or cost to them. For the faithful performance of their several agreements with the individual Indians Messrs. Cody and Salsbury were required to furnish a bond in the penal sum of $10,000.

April 21, 1893, the Department granted authority for George W. Lillie, "Pawnee Bill," to take Indians for his show upon the same terms and conditions as recited above, the amount of his bond being fixed at $12,000. The bond has been received in this office, but no agreements with the individual Indians have been submitted by him as required.

## RAILROADS ACROSS RESERVATIONS.

### GRANTS SINCE LAST ANNUAL REPORT.

Since the date of the last annual report Congress has granted the following railroad companies rights of way across Indian lands.

#### INDIAN AND OKLAHOMA TERRITORIES.

*Interoceanic Railway Company.*—By act of Congress approved March 3, 1893 (27 Stats., p. 747 and p. — of this report), the Interoceanic Railway Company was granted right of way through the "Indian Territory or through any Indian reservation or lands reserved for Indian pur-

poses or allotted to individual Indians within the Territory of Oklahoma, commencing at a point on the west line of Sebastian County, in the State of Arkansas, and south of the corporate limits of the city of Fort Smith from the point of entrance into the Indian Territory, running in a westerly direction through the said Indian Territory and the Territory of Oklahoma, to a point on the west line of said Territory of Oklahoma, between the North Canadian and Washita rivers, with a branch running from the main line in the Choctaw Nation in a southerly or southwesterly direction by the most feasible and practicable route to a point on the Red River at or near the city of Denison"; also a branch beginning at a point in the Seminole Nation near the Wewoka River, running thence in a northerly or northwesterly direction to a point on the south line of the State of Kansas, at or near the town of Otto, in said State. No maps of definite location of the line have yet been filed for approval.

*Gainesville, McAllister and St. Louis Railway Company.*—By act of Congress approved March 1, 1893 (27 Stats., p. 534 and p. — of this report), the Gainesville, McAllister and St. Louis Railway Company was granted right of way through the Indian Territory, beginning at a point to be selected by said railway company on Red River north of the east part of Cooke County, in the State of Texas, or the west part of Grayson County, in said State, and running thence in a northeast direction, by the most practicable route, through the Indian Territory, to a point on the western boundary of the State of Arkansas. No maps of definite location of the line have yet been filed for approval.

*Gainesville, Oklahoma and Gulf Railway Company.*—By act of Congress approved February 20, 1893 (27 Stats., p. 465 and p. — of this report), the Gainesville, Oklahoma and Gulf Railway Company was granted right of way through the Indian Territory, beginning at a point to be selected by said company on Red River north of the west part of Cooke County, in the State of Texas, and running thence by the most practicable route through the Indian and Oklahoma Territories in a northwesterly direction to a point on the southern boundary of the State of Kansas. No maps of definite location of the line have yet been filed for approval.

*Kansas City, Pittsburg and Gulf Railroad Company.*—By act of Congress approved February 27, 1893 (27 Stats., p. 487 and p. — of this report), the Kansas City, Pittsburg and Gulf Railroad Company was granted right of way through the Indian Territory, beginning at a point on the south line of Cherokee County, near the town of Galena, in the State of Kansas, and running thence in a southerly direction through the Indian Territory, or through the State of Arkansas and the Indian Territory, by the most feasible and practicable route, to a point on Red River near the town of Clarksville, in the State of Texas. No maps of definite location of the line have yet been filed for approval.

*Chicago, Rock Island and Pacific Railway Company.*—By act of Congress approved February 27, 1893 (27 Stats., p. 492 and p.—of this report), the Chicago and Rock Island Railway Company (successor to the Chicago, Kansas and Nebraska Railway Company) was granted right of way through the Indian Territory, as an extension of its line, beginning at a point to be selected by said company at or near Chicasha Station, on said railway, in the Chickasaw Nation, Indian Territory, and running thence by the most practicable route southeasterly in the direction of Dallas, Tex., to the south line of the Indian Territory, and also through the Indian Territory and any Indian reservations upon a line beginning at or near said Chicasha Station and running thence by the most practicable route in a westerly or southwesterly direction to the west or south line of Oklahoma Territory. No maps of definite location of the extension of the line authorized by this act of Congress have yet been filed for approval.

By act of Congress approved February 28, 1893 (27 Stats., p. 495 and p. — of this report), the said Chicago, Rock Island and Pacific Railway Company was granted the right to use for railroad purposes two additional strips of land, each 100 feet in width, lying on each side of the ground selected for station purposes, under act of Congress, at Chickasha Station, in the Chickasaw Nation, Indian Territory; and said railway company is also granted a right of way 1,500 feet in length for a "Y" in section 2122, township 7 north, range 7 west of the Indian meridian, said right of way to be of the width of 300 feet for a distance of 400 feet, and for the remaining 1,100 feet the width shall be 100 feet.

Further mention will be made of this company under the heading "Grants referred to in previous annual reports."

PUYALLUP RESERVATION, WASHINGTON.

*Northern Pacific Railroad Company.*—By act of Congress approved February 20, 1893 (27 Stats., p. 468 and p. — of this report), the Northern Pacific Railroad Company was granted right of way, not exceeding 60 feet in width, through the Puyallup Reservation, Washington, for a spur 1,378 feet in length, from a point on the Cascade branch of said railroad company now constructed through said reservation to the western boundary thereof. Further mention will be made of this company under the heading "Grants referred to in previous annual reports."

*Rapid Transit Railroad Company.*—Under this heading I deem it proper to speak of the effort of the Rapid Transit Railroad Company to secure right of way through the Puyallup Reservation without first applying to Congress for such right. Under date of November 16, 1892, Mr. Edwin Eells, United States Indian Agent of the Puyallup Agency, forwarded to this office for action an application of the Rapid Transit Railroad Company, of Washington, to construct and operate an electric motor line along the county roads which cross the

Puyallup Reservation; also a map showing the location of the county roads along which it was proposed to locate said electric road across the reservation. Accompanying the application and map was an agreement entered into between the county commissioners of Pierce County, Wash., commonly known as the County Court of Pierce County, Wash., and said company, authorizing the company, upon the conditions therein named, to construct and maintain an electric motor line of road along the county roads in said agreement described, some of which roads, as has been said, passed through the Puyallup Reservation. On December 14, 1892, the application was submitted to the Secretary of the Interior for his consideration and action. On April 13, 1893, the Acting Secretary returned the application to this office without approval; he also inclosed an opinion of the Assistant Attorney-General for the Interior Department, dated April 12, 1893, in which the Department concurred, wherein it was held that the application could not be granted.

I also deem it proper under this heading to speak of the efforts of one Frank C. Ross to construct a railroad across the Puyallup reservation without first having secured from Congress a right of way for that purpose. April 7, 1893, Agent Eells, of the Puyallup Agency, telegraphed that said Frank C. Ross, with a force of men, had commenced the construction of a railroad across certain lands allotted to the Indians on the reservation; that he had not sufficient police force to remove Ross and his gang of workmen, and wished instructions and assistance. The following day Agent Eells was telegraphed, in reply, that it was not deemed advisable to ask for military aid unless absolutely necessary, especially because of the expense connected therewith; that he should go with the force at his command and serve personal notice on the trespassers to remove from the reservation, and should wire the result of this notice, and that troops would be asked for if other methods failed. April 12 the agent telegraphed that he had complied with the instructions given him, and that Ross and his men refused to leave the reservation and defied the Government to remove them. On the following day, based upon this telegram from the agent, it was recommended that the War Department be requested to furnish a sufficient military force, with the assistance of the agent, to remove the trespassers from the reservation.

It appears that in response to this request the War Department sent a small force, under Maj. J. T. French, Capt. G. A. Carpenter, and Lieut. W. P. Goodwin, from Vancouver Barracks, to assist Agent Eells in removing the trespassers. The troops arrived on May 12 in command of Capt. Carpenter. On the 15th, at the request of Capt. Carpenter, the agent accompanied him to the railroad camp where the trespassers were at work, Ross at the time being absent from the camp. Capt. Carpenter, with a part of his force, compelled the laborers to cease work.

The next day (May 16) Maj. French, Capt. Carpenter, Lieut. Goodwin, and Agent Eells were served with a temporary order by the sheriff of King County, issued by the judge of the superior court at Seattle, restraining them from further preventing the construction of the road until a hearing of the matter could be had, and ordering them to appear before the superior judge on May 20 and show cause why said temporary order should not be made permanent. On the above date the case was removed to the United States district court, on motion of the defendants, and set for hearing on June 6. The cause was heard by Judge Hanford, of the United States circuit court, and on June 13 he rendered a decision granting the plaintiff an injunction *pendente lite*, as prayed for in his bill of complaint. The Department of Justice has directed the United States district attorney for the district of Washington to appeal the case to the higher courts, where it is now pending.

CROW RESERVATATION, MONT.

*Big Horn Southern Railroad Company.*—By act of Congress approved March 1, 1893 (27 Stats., p. 529, and p. — of this report), the time within which the Big Horn Southern Railroad Company (under the act of Congress approved February 12, 1890) might construct its road was extended two years from December 20, 1892, so that the company may have until December 20, 1894, to construct its road through the reservation. The act also changes the line of route of the road through the reservation, making it practically a new grant of right of way. Mention of the progress made by the company looking to the construction of the road under this act will be made under the heading "Grants referred to in previous annual reports."

## ACTION PENDING BEFORE CONGRESS.

### INDIAN AND OKLAHOMA TERRITORIES.

In the last annual report, under the above heading, attention was invited to the fact that bills were then pending before Congress granting the *Pan-American Transportation Company, the Kansas City, Pittsburg and Fort Smith Railway Company*, and the *Kansas City and Pacific Railroad Company* each a right of way through the Indian and Oklahoma Territories. So far as this office is aware none of these bills were finally acted on by Congress.

Since the last annual report a bill was introduced granting the *Oklahoma Midland Railway Company* a right of way through the Indian and Oklahoma Territories, which, however, was not finally acted upon by the Fifty-second Congress.

### OTHER INDIAN RESERVATIONS.

So far as this office is aware no final action was taken by Congress on the bills of which mention was made in the last annual report grant-

ing, respectively, the *Midland Pacific Railroad Company* a right of way through the Crow Creek Reservation; the *Watertown, Sioux City and Duluth Railway Company* a right of way through the Sisseton and Wahpeton Reservation; and granting to the *Chicago, Milwaukee and St. Paul Railroad Company* an extension of time within which said company might construct its road through the Great Sioux Reservation, under the provisions of section 16 of chapter 405 of an act of Congress approved March 2, 1889.

## GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

### INDIAN AND OKLAHOMA TERRITORIES.

*Chicago, Rock Island and Pacific Railway Company.*—Under date of January 2, 1893, the company forwarded amended maps of definite location of the seventh, eighth, and ninth 25-mile sections of the road through the Chickasaw Nation to correct an error in the former maps. The original maps of these sections had been approved, as shown by the last annual report, on February 19, 1892. The amended maps were approved by the Secretary of the Interior on January 23, 1893. On March 3, 1893, the approval of these maps was amended (for reasons shown therein). The company, under date of April 21, 1893, filed four maps of station grounds desired by it in the Cherokee Outlet. These maps were approved by the Secretary of the Interior on July 20, 1893. The company also, June 29, 1893, forwarded for approval eight additional maps showing location of station grounds desired by it in the Chickasaw Nation. These maps were approved by the Secretary of the Interior on July 12, 1893. August 10, 1893, the company tendered drafts for $2,074.20 in payment of annual tax of $15 per mile on that portion of the road passing through Indian lands for the fiscal year ending June 30, 1893.

*Choctaw Coal and Railway Company.*—The company has filed reports of amount of coal mined monthly in the Choctaw Nation, in accordance with the provisions of the act of Congress approved October 1, 1890 (26 Stats., 640). September 11, 1893, the company tendered a draft for $1,005 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands for the fiscal year ending June 30, 1893.

*Denison and Northern Railway Company.*—As mentioned in the last annual report, this company was granted a right of way through the Indian Territory by act of Congress approved July 30, 1892 (27 Stats., 336). No maps of definite location of the line of the road have, however, been filed for approval.

*Hutchinson and Southern Railroad Company.*—The last annual report shows that the act of Congress originally granting the company a right of way through the Indian Territory, the act approved September 26, 1890 (26 Stats., 485), was amended and modified by the act approved

February 3, 1892 (27 Stats., 2). On March 3, 1893, the company, under the amended act, filed in this office, for the approval of the Secretary of the Interior, three maps of definite location of the line of the road through the Cherokee outlet, a distance of 64.4 miles. These maps were approved on April 18, 1893. The company also, on June 5, 1893, filed six plats showing the location of station grounds desired by it along that portion of the road for which maps of definite location had already been approved. These plats were approved by the Secretary of the Interior on July 10, 1893. So far as this office is aware no portion of the road has yet been constructed.

*Gulf, Colorado and Santa Fé Railway Company.*—In the last annual report attention was invited to the fact that there was then pending before Congress a bill (S. 3147) to authorize the Gulf, Colorado and Santa Fé Railway Company to purchase certain lands for station purposes at Davis, Chickasaw Nation. So far as this office is advised final action on the bill was not reached. Under date of September 19, 1893, the company tendered a draft for $1,500 in payment of annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1893.

*The Southern Kansas Railroad* (leased to the Atchison, Topeka and Santa Fé Railway Company).—Mention was made in the last annual report of the compromise by this company with the Cherokee Nation of Indians for right of way through the Cherokee Outlet lands. This matter had been pending in the courts for years, and its settlement was a source of gratification alike to this office and to the Indians. On September 16, 1892, the Acting Secretary of the Interior approved a plat showing station grounds desired by the company on the first 10-mile section of the road south from Kansas, at Chilocco Station. August 22, 1893, the company tendered drafts for $107.40 in payment of the annual tax of $15 per mile for that portion of the road extending through the Cheyenne and Arapaho and Chickasaw reservations, a total distance of 7.16 miles. The company has never tendered payment of annual tax on that portion of the road extending through the Cherokee Outlet lands, nor through the reservations of the Poncas or Otoes and Missourias.

*Kansas and Arkansas Valley Railway Company.*—The last annual report makes mention of the fact that the amount due the Cherokee Nation for right of way of this company through their lands was placed to the credit of the nation by authority of Department letter of February 13, 1892. Under date of September 5, 1893, the company tendered a draft for $2,444.55 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands.

*Missouri, Kansas and Texas Railway Company.*—On May 25, 1893, the Acting Secretary of the Interior approved a plat showing station grounds desired by the company at Blackston, in the Creek Nation.

*Denison and Washita Valley Railroad Company.*—On March 6, 1893, the company tendered a draft for $525 in payment of the annual tax of $15 per mile for 10 miles of its road, all that was constructed up to that date (from the fiftieth to the sixtieth mile according to the maps of definite location on file in this office), from date of completion of construction, July 1, 1889, to January 1, 1893. On September 2, 1893, the company tendered a draft in payment of said annual tax for $75, for period from January 1, 1893, to close of fiscal year ending June 30, 1893.

OTHER INDIAN RESERVATIONS.

**Devil's Lake Reservation, N. Dak.**—The last annual report referred to the fact that the *Jamestown and Northern Railway Company* had never paid for its right of way through the above reservation. A full history of this case is printed in House Ex. Doc. No. 3, Forty-eighth Congress, second session, and Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which attention is invited. On a number of occasions this office has recommended that Congress ratify the agreement entered into July 28, 1883, between the company and the Indians; but no final action has yet been taken.

**Red Cliff Reservation, Wis.**—In the last annual report will be found the facts in relation to the attempt of the *Bayfield, Lake Shore and Western Railroad Company*, to secure a right of way across the above reservation along and over the same line or route previously adopted by the *Bayfield Harbor and Great Western Railroad Company;* also the fact that under date of June 28, 1892, the Department gave preference to the Bayfield Harbor and Great Western Railway Company by reason of priority of location of survey of route and application for approval of map of definite location. September 28, 1892, the President approved nine deeds for right of way of the latter road through the patented tracts of land on the reservation. The deeds were transmitted to the agent of the La Pointe Agency, for delivery to the company, on October 17, 1892. The map of definite location of the road through the reservation was approved by the Secretary of the Interior on October 3, 1892.

**Menomonee Reservation, Wis.**—Mention is made in the last annual report of the fact that by act of Congress approved July 6, 1892 (27 Stat., 83), the *Marinette and Western Railway Company* was granted a right of way through the above reservation. No maps of definite location of the line of the road have yet been filed.

**Old Delaware Reservation, Kans.**—The Indian appropriation, act approved July 13, 1892 (27 Stat., 1 26), authorizes and directs the Attorney-General to institute necessary legal proceedings against the *Leavenworth, Pawnee and Western Railroad Company*, its successors or assigns, for recovery of the amounts found by the Interior Department to be due from said railroad company, its successors or assigns, under the last paragraph of the second article of the

treaty with the Delaware tribe of Indians of May 30, 1860, and under the concluding clause of the third article of said treaty, and for damage done the said Indians in the taking and destruction of their property by said railroad company. November 22 and December 14, 1892, and June 14, 1893, this office gave the Attorney-General, through the Secretary of the Interior, such information from its files and records as was thought would be of use to him in instituting and maintaining said suit. This office is not advised as to whether the suit has been instituted in the court having proper jurisdiction.

**La Pointe, or Bad River Reservation, Wis.**—August 16, 1892, Agent Leahy, of the La Pointe Agency, forwarded to this office the proceedings of a general council of the Bad River band of Chippewa Indians, held at Odanah on the reservation, on August 15, 1892, at which council the Indians agreed to the amount of compensation that should be paid them in their tribal capacity for right of way of the *Duluth, South Shore and Atlantic Railway Company* (formerly the Duluth, Superior and Michigan Railway Company) through the above reservation. October 6, 1892, the council proceedings and the map of definite location of the line of the road through the reservation were submitted to the Secretary of the Interior for his consideration and action. They were approved October 17, 1892, and on the 22d of the same month this office instructed Agent Leahy to call upon the company for the compensation agreed upon, and when collected to deposit the same in the United States Treasury to the credit of the Indians.

The line of the road also extends through certain tracts of land that have been patented to the Indians occupying the reservation. October 31, 1892, Agent Leahy transmitted to this office certain right-of-way deeds from individual patentees of lands on said reservation to the said railway company. These deeds conveyed a fee-simple title to the company instead of a mere easement, as was contemplated. Notwithstanding this fact, on December 20, 1892, the deeds were submitted to the Secretary of the Interior for his consideration, with a view to their being placed before the President for his approval, the patents issued to the Indians requiring that all conveyances of said lands should be invalid unless approved by him. On December 29, 1892, the deeds were returned to this office without having been submitted to the President for his action, and the office was instructed to return them to Agent Leahy, and direct him to procure new deeds conveying an easement only. The deeds were accordingly returned to the agent January 4, 1893, and he was instructed accordingly. New deeds have not yet been submitted by the agent.

**Sisseton and Wahpeton Reservation, N. Dak. and S. Dak.**—May 10, 1893 the Department transmitted to this office a draft for $266.11, tendered by the company as balance due the Indians occupying the above reservation for right of way of the *Chicago, Milwaukee and St. Paul Railway*

*Company* through the same. By office letter of April 15, 1893, the attention of the Department had been invited to this balance due.

**Blackfeet Reservation, Mont.**—In the last annual report will be found a brief history of the extension of the *St. Paul, Minneapolis and Manitoba Railway*—the *Great Northern Railway line*—through the above reservation. January 12, 1893, the company tendered a further draft for $12.15 in payment of balance due for right of way through the reservation, as shown by the amended map of definite location. It appears that the amended map was originally filed with the agent of the Blackfeet Agency. The map was forwarded to this office by the agent January 9, 1893. The map was submitted to the Secretary of the Interior January 31, 1893, and was approved by him February 4, 1893.

**Crow Reservation, Mont.**—As has already been stated (p. —), by act of Congress approved March 1, 1893 (27 Stat., 529), the *Big Horn Southern Railroad Company* was practically granted a new right of way through the above reservation. April 18, 1893, the company filed in this office, for the approval of the Secretary of the Interior, six maps, in duplicate, showing the definite location of the road through the reservation, according to the amended route, as provided in said act of March 1, 1893. April 20 one copy of each map was transmitted to the agent of the Crow Agency for examination and report as to whether there were any objections against their approval. April 28 the agent reported favorably to their approval. This office submitted the maps to the Secretary of the Interior for his action May 12, 1893, and they were approved by him May 17, 1893.

May 8, 1893, the agent forwarded to this office the proceedings of a general council of the Crow Indians held at the agency May 5, for the purpose of considering and determining whether they would consent to the construction of the road through the reservation, and in case of their consent to fix a price for the tribal lands so taken and used. The Indians consented to the construction of the road upon condition that the road be properly fenced throughout the reservation; that they be paid $3 per acre for unallotted lands; and that the owners of allotted lands be settled with individually for the damage sustained by each by reason of the construction of the road. May 23 the council proceedings and a draft of instructions to be given the agent of the Crow Indians and a special agent of this office in the matter of negotiating with the individual allottees were submitted to the Secretary of the Interior, who returned them, approved, May 25. May 24 the company deposited with the Department a draft for $4,133.40 in payment for right of way through the tribal lands, for depot grounds, for right of way through the Fort Custer military reservation and depot grounds therein, the same being at the rate of $3 per acre for 1,377.8 acres thus taken, which is the amount of land shown to be taken by the report of the chief engineer of said company.

May 26 this office instructed Agent Wyman, of the Crow Agency, and Special Agent Smith in the matter of conducting the negotiations with the individual members of the tribe for right of way through their respective allotments. July 31, 1893 they submitted their report with a schedule showing the names of allottees, from 1 to 132, inclusive, whose lands are crossed by the road, the amount of damages sustained by each, and a map showing a much-desired change in the location of the road in the vicinity of the agency buildings and the agency school. The schedule shows the total amount of land taken for right of way and depot grounds to be 789½ acres; total damages assessed, $4,087.20, of which $290 are for improvements. Land not under irrigation was valued at $4 per acre, while irrigable lands were valued at $8 per acre. The report was submitted to the Secretary of the Interior on August 10, 1893, with the recommendation that the schedule of appraisements and the several individual agreements be approved; they were accordingly approved on August 24 and returned to this office. The Secretary also authorized the collection of damages as shown by the schedule of appraisements. On August 30 the appraised damages were paid by sight draft on the assistant treasurer of the company.

**Puyallup Reservation, Wash.**—By act of Congress approved February 20, 1893 (27 Stat., 468), the agreement of November 21, 1876, between the Indians of the Puyallup Reservation and the *Northern Pacific Railroad Company*, for right of way through the reservation, was ratified and approved. As has already been mentioned (p. —), the same act granted the company a right of way for a spur or branch to their already constructed road for a distance of 1,378 feet on the reservation, upon the payment of not less than $1,500 per acre for all land so taken and used, as may be determined by the Secretary of the Interior to be right and proper. March 1, 1893 the Secretary of the Interior fixed the price that should be paid for said land at $2,000 per acre. This office, on March 3, 1893, notified Agent Eells, of the Puyallup Agency, of the action of the Department and instructed him to notify the company thereof and to call upon them for the filing of a map that would show the number of acres of land taken, and to call upon them for payment therefor at the rate of $2,000 per acre. April 28 the company filed a map showing the acreage so taken and used to be 1.89 acres; also a draft for $3,780 in payment for said land. The money was deposited in the United States Treasury to the credit of the Puyallup Indians as the proceeds of Indian labor.

**Yakima Reservation, Wash.**—By act of Congress approved March 3, 1893, the Indian appropriation act (27 Stat., 631), the agreement of January 13, 1885, between the Indians occupying the Yakima Reservation and the *Northern Pacific Railroad Company* for right of way through the reservation, was accepted, ratified, and confirmed upon condition that said company, its successors or assigns, should, within sixty days from the taking effect of the act, pay into the Treasury of

the United States the sum of $8,295.80 for the use and benefit of the Indians occupying the Yakima Reservation Of this $5,309 was to be expended for the benefit of the Indians in such manner as the Secretary of the Interior might direct, the balance to be expended as the Secretary of the Interior might direct for the benefit of individual Indians, or their heirs, or paid to them in cash, in the proportion to which they might severally be entitled, as appears on Schedule E attached to said agreement. This sum was deposited by the company in the United States Treasury, in accordance with the provisions of the act. On May 4, 1893, the Department forwarded to this office a copy of a letter of the same date, addressed to the Secretary of the Treasury in response to a communication from him, giving directions as to what disposition should be made of said money.

### CONDITIONS TO BE COMPLIED WITH BY RAILROAD COMPANIES.

In the construction of railways through Indian lands a systematic compliance by companies with the conditions expressed in the right-of-way acts will prevent much unnecessary delay. Each company should file in this office—

(1) A copy of its articles of incorporation, duly certified to by the proper officers under its corporate seal.

(2) Maps representing the definite location of the line. In the absence of any special provisions with regard to the length of line to be represented upon the maps of definite location, they should be so prepared as to represent sections of 25 miles each. If the line passes through surveyed land, they should show its location accurately according to the sectional subdivisions of the survey; and if through unsurveyed land, it should be carefully indicated with regard to its general direction and the natural objects, farms, etc., along the route. Each of these maps should bear the affidavit of the chief engineer, setting forth that the survey of the route of the company's road from ——— to ———, a distance of —— miles (giving termini and distance), was made by him (or under his direction) as chief engineer, under authority of the company, on or between certain dates (giving the same), and that such survey is accurately represented on the map. The affidavit of the chief engineer must be signed by him officially, and verified by the certificates of the president of the company, attested by its secretary under its corporate seal, setting forth that the person signing the affidavit was either the chief engineer or was employed for the purpose of making such survey, which was done under the authority of the company. Further, that the line of route so surveyed and represented by the map was adopted by the company by resolution of its board of directors of a certain date (giving the date) as the definite location of the line of road from ——— to ———, a distance of —— miles (giving termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company

may obtain the benefits of the act of Congress approved ——— (giving date).

(3) Separate plats of ground desired for station purposes, in addition to right of way should be filed, and such grounds should not be represented upon the maps of definite location, but should be marked by station numbers or otherwise, so that their exact location can be determined upon the maps. Plats of station grounds should bear the same affidavits and certificates as maps of definite location.

All maps presented for approval should be drawn on tracing linen, the scale not less than 2,000 feet to the inch, and should be filed in duplicate.

These requirements follow, as far as practicable, the published regulations governing the practice of the General Land Office with regard to railways over the public lands, and they are of course subject to modification by any special provisions in a right-of-way act.

## INDIAN DEPREDATION CLAIMS.

The act of March 3, 1891 (26 Stats., 851), provided that the examination and investigation, by the Interior Department, of Indian depredation claims should cease from that date, and conferred upon the Court of Claims jurisdiction and power to inquire into and finally adjudicate, (1) such claims as were in favor of citizens of the United States, and (2) all claims which had been examined and allowed, or were authorized to be examined, by the Interior Department. It reserved the unexpended balance of the appropriation, "Investigating Indian depredation claims," for the payment of persons employed to make the transfer of claims and business to the court with a record of the same, and for the proper care and custody of the papers and records remaining in this Bureau. It also provided that these claims should be presented to the Court of Claims by petition within three years after the act was approved or be thereafter forever barred.

Up to March 3, 1891, there had been filed in this office 7,973 claims arising from Indian depredations. Pursuant to the act of March 3, 1885 (23 Stats., 376), 1,454 of these claims had been presented to Congress, leaving 6,519 in the files, to which have since been added 25 new claims, making in all 6,202 claims transferable to the Court of Claims, or a total of 7,998 claims on record.

The work devolving upon the Depredation Division since March 3, 1891, has been twofold; answering miscellaneous correspondence pertaining to Indian depredations, and transmitting the papers in depredation claims, with reports thereon, to the Court of Claims. Under the first head, 904 letters have been sent out in answering inquiries of claimants, attorneys, and other interested parties. Under the second head, 393 communications from the Court of Claims, inclosing 3,959 calls for papers and information, have been received; in compliance

with which the papers in 2,684 claims have been furnished to the court, the papers in 746 claims satisfactorily accounted for, and miscellaneous information given relating to 529 claims.

The following table gives, for the period from March 3, 1891, to September 1, 1893, the number of claim stransmitted to the Court of Claims; the disposition previously made of the original papers in other claims called for; a summary of all claims filed and disposed of; and the volume of correspondence had in regard to the same:

TABLE 9.—*Showing number and disposition of depredation claims, and volume of correspondence relating thereto, from 1891 to 1893.*

| | 1891. | 1892. | 1893. | Total. |
|---|---|---|---|---|
| Claims transmitted to Court of Claims | 1,381 | 1,065 | 238 | 2,684 |
| Claims reported to the court as having been previously transmitted— | | | | |
| To Congress | 404 | 154 | 91 | 649 |
| To claimants and attorneys | 11 | 5 | 4 | 20 |
| To Indian agents | 26 | 14 | 17 | 57 |
| To Second Auditor | 2 | ..... | 3 | 5 |
| To members of Congress | 3 | 2 | 3 | 8 |
| To Committee on Indian Affairs | 2 | 4 | 1 | 7 |
| Claims reported upon to the court in previous year | ..... | 1,829 | 3,073 | 3,430 |
| Claims on file not reported upon | 6,144 | 4,920 | 4,566 | 4,568 |
| New claims filed | 20 | 3 | 2 | 25 |
| Total number of claims on record | 7,993 | 7,996 | 7,998 | ..... |
| Communications sent in response to calls of Court of Claims for miscellaneous information | 214 | 186 | 129 | 529 |
| Letters sent to claimants, attorneys, and others | 686 | 121 | 97 | 904 |

It will appear from the foregoing table that the work of transferring the papers in Indian depredation cases to the Court of Claims is rapidly drawing to a close. On April 24 last, I had the honor to recommend that the resignation of the chief of the depredation division be accepted, that that division be abolished, and that the papers and records thereof be attached to the land division of this Bureau. This change, which effected a saving of $2,000 per annum—the chief's salary—was authorized by Department order of April 26. There now remains but one clerk upon this work in this office, and one detailed for duty in the office of the clerk of the Court of Claims, each receiving $1,200 per annum. The balance now on hand of the appropriation from which these two clerks are paid amounts to $17,884.80.

The detail of a clerk to the Court of Claims was made at the request of the honorable chief justice of that court, who asked for the services of one familiar with the papers in Indian depredation cases "until the papers can be properly arranged and permanent provision made for their care and custody." Inasmuch as March 3, 1894, is the limit by law beyond which attorneys can not file petitions in the court in depredation claims on file in the Interior Department, I respectfully recommend that this detailed clerk be dropped from the roll at that date.

## INDIAN FINANCES.

The following table shows all moneys appropriated by Congress for the Indian service for the fiscal years 1885 to 1894. These amounts are taken from the digests of appropriations published for those years, respectively, by the Treasury Department.

TABLE 10.—*Appropriations made by Congress for the Indian service for the fiscal years 1885 to 1894.*

| | 1885. | 1886. | 1887. | 1888. | 1889. |
|---|---|---|---|---|---|
| Current and contingent expenses of the Indian service. | $221,726.03 | $223,669.04 | $213,433.43 | $209,300.00 | $209,605.60 |
| Fulfilling treaty stipulations with and support of Indian tribes (treaty obligations) | 2,680,160.04 | 2,602,347.05 | 2,411,902.83 | 2,150,242.66 | 2,663,030.29 |
| Miscellaneous support | 1,282,978.81 | 1,214,784.27 | 1,072,722.06 | 988,500.00 | 755,697.08 |
| Interest on trust-fund stock (nonpaying State stock) | 95,170.00 | 95,170.00 | 94,940.00 | 94,940.00 | 94,940.00 |
| General and miscellaneous expenses of the Indian service. | 925,484.79 | 732,683.56 | 643,047.04 | 714,273.44 | 1,150,031.37 |
| Support of schools | 993,200.00 | 1,087,105.00 | 1,211,436.33 | 1,179,915.00 | 1,348,221.94 |
| Trust funds, principal | | 52,853.77 | | | |
| Payment of depredation claims. | | | | | |
| Total for the Indian service proper | 6,198,719.67 | 6,008,612.69 | 5,647,481.69 | 5,337,171.10 | 6,221,526.28 |
| Sioux national fund | | | | | *1,000,000.00 |
| Total payments for cession of lands | | | | | 1,000,000.00 |

| | 1890. | 1891. | 1892. | 1893. | 1894. |
|---|---|---|---|---|---|
| Current and contingent expenses of the Indian service. | $210,363.31 | $217,913.73 | $241,935.64 | $202,659.12 | $195,800.00 |
| Fulfilling treaty stipulations with and support of Indian tribes (treaty obligations) | 2,758,373.41 | 2,506,279.92 | 3,048,954.35 | 3,142,807.87 | 2,849,406.44 |
| Miscellaneous support | 720,500.00 | 723,239.09 | 750,500.00 | 670,816.57 | 690,671.08 |
| Interest on trust-fund stock (nonpaying State stock) | 84,556.84 | 101,470.00 | 86,300.00 | 80,390.00 | 80,390.00 |
| General and miscellaneous expenses of the Indian service. | 1,351,397.47 | 2,074,148.45 | 1,535,542.30 | 1,451,556.57 | 1,864,204.19 |
| Support of schools | 1,379,568.13 | 1,857,903.28 | 2,291,711.75 | 2,315,612.19 | 2,243,497.38 |
| Trust funds, principal | | | 82,000.00 | | 30,993.90 |
| Payment of depredation claims | | | | 478,252.62 | |
| Total for the Indian service proper | 6,504,759.16 | 7,480,954.47 | 8,036,944.04 | 8,342,094.94 | 7,954,962.99 |
| Sioux national fund | 3,000,000.00 | | | | |
| Payment to Seminoles for cession of lands | 1,912,942.02 | | | | |
| Payment to Creeks for cession of lands | 2,280,857.10 | | | | |
| Special agreements with Indian tribes | | | 9,614,898.37 | | |
| Total payments for cession of lands | 7,193,799.12 | | 9,614,898.37 | | |

* The $1,000,000 charged to Sioux national fund was returned to Treasury, as the treaty was not ratified.

From the foregoing statement it will be seen that the "current and contingent expenses" of the Indian service, which include pay of special Indian agents, Indian inspectors and school superintendent, expenses of the Board of Indian Commissioners, and miscellaneous contingent expenses, have been decidedly decreased in the appropriations for the last two years.

Under the head of "Fulfilling treaty stipulations with and support of Indian tribes (treaty obligations)," it will be noticed that the amount appropriated for the fiscal year 1885 is $2,680,160.04, and for the fiscal years 1893 and 1894 is $3,142,807.87 and $2,849,406.44, respectively. These increases are accounted for by several agreements made with the Indians in the last few years, which provide for an annual payment of certain sums for a certain number of years. The appropriation of $2,849,406.44 includes the following sums appropriated on account of agreements negotiated since 1885:

| Agreement with— | |
|---|---|
| Cœur d'Aléne Indians | $11,500 |
| Fort Hall Indians | 6,000 |
| Indians at Blackfeet Agency | 150,000 |
| Indians at Fort Belknap Agency | 115,000 |
| Indians at Fort Peck Agency | 165,000 |
| Indians at Fort Berthold Agency | 80,000 |
| Iowas in Oklahoma | 3,600 |
| Sioux (schools) | 100,000 |
| Sisseton and Wahpeton | 21,400 |
| Chippewas in Minnesota | 90,000 |
| Spokanes | 25,500 |
| Total | 768,000 |

Funds appropriated under the head of "miscellaneous support" are for Indians who have no treaty or agreement funds, or whose funds under agreement or treaty are insufficient. The amount appropriated in 1885 under this head was $1,282,978.81; since then it has decreased nearly 50 per cent. Of the $690,671 for 1894 the sum of $400,000 is given for the support of the Indians at the Cheyenne and Arapaho, Kiowa, San Carlos, Jicarilla, and Mescalero Apache agencies, and the balance is divided among the Indians of thirty agencies scattered over the whole United States.

For "general and miscellaneous expenses of the Indian service," $925,484.79 were appropriated for 1885 and $1,864,204.19 for 1894. The above sum of $1,864,204.19 includes $160,000, which is reimbursable from the sale hereafter of lands belonging to Indians, and which is made up of the following items:

| | | |
|---|---|---|
| Aiding Indian allottees | $15,000.00 | |
| Allotments under act of February 8, 1887 | 40,000.00 | |
| Relief of Chippewas in Minnesota | 100,000.00 | |
| Sale and allotment of Umatilla Reservation | 5,000.00 | |
| Total | | $160,000.00 |

It also includes the following sums:

| | | |
|---|---|---|
| Pay of farmers | $70,000.00 | |
| Negotiating with Indians for cession of lands to be restored to the public domain | 30,000.00 | |
| Increase in appropriation for police over 1885 | 78,000.00 | |
| Pay of matrons | 5,000.00 | |
| Pay of judges, Indian courts | 12,540.00 | |
| Removal of Crow Creek Agency | 50,000.00 | |
| Removal of Eastern band of Cherokees | 20,000.00 | |
| Ditches for Navajoes | 40,000.00 | |
| Payment to Sisseton, etc. (scouts) | 30,666.66 | |
| Total | | 336,206.66 |
| Grand total | | 496,206.66 |

None of the items making up this $496,206.66 are included in appropriations made for 1885.

For the support of schools the amount appropriated in 1885 was $993,200, and for the fiscal year 1894 it is $2,243,497.38, an increase of $1,250,297.38. This is a decrease from 1893. With one other exception the table shows a steady increase from year to year in the appropriations for education.

A comparison of the aggregate of appropriations is as follows:

| | |
|---|---|
| Total appropriations for the fiscal year 1885 | $6,198,719.67 |
| Total appropriations for the fiscal year 1894 | *7,954,962.99 |
| Excess of appropriation of 1894 over 1885 | 1,756,243.32 |

The above increase of $1,756,243.32 is more than accounted for by the following items:

| | |
|---|---|
| Increase in school appropriations | $1,250,297.38 |
| New agreements ratified since 1885 | 826,300.00 |
| Reimbursable items from sales of lands | 160,000.00 |
| Total | 2,236,597,38 |

It should also be noted that the aggregate of appropriations for 1894 is $387,131.95 less than for 1893.

In addition to amounts annually appropriated for the Indian service the Government holds in trust funds belonging to various Indian tribes, and the annual interest accruing therefrom is paid over to those tribes or expended for their benefit.

The interest on the principal of the trust funds belonging to the Five Civilized Tribes is placed semiannually with the United States assistant treasurer at St. Louis, Mo., to the credit of the treasurer of each nation, respectively, and its expenditure is entirely under the control of the nation and its council.

* The sum of $8,000,000 due for Cherokee Outlet is not included.

The tribes possessing trust funds and the amounts thereof are as follows:

TABLE 11.—*Trust funds of Five Civilized Tribes.*

| Tribes. | Principal. | Annual interest. |
|---|---|---|
| Cherokees | $2,616,829.35 | $136,818.62 |
| Chickasaws | 1,306,695.65 | 68,221.44 |
| Choctaws | 585,000.99 | 33,750.04 |
| Seminoles | 1,500,000.00 | 75,000.00 |
| Creeks | 2,000,000.00 | 100,000.00 |
| Total | 8,008,525.99 | 413,790.10 |

TABLE 12.—*Trust funds of tribes other than Five Civilized Tribes.*

| Tribes. | 1891–'92. | 1892–'93. |
|---|---|---|
| Cheyennes and Arapahoes | $1,000,000.00 | $1,000,000.00 |
| Crows | 311,488.00 | 301,412.22 |
| Chippewa and Christian Indians | 42,560.36 | 42,560.36 |
| Eastern Shawnees | 9,079.12 | 9,079.12 |
| Creeks | 2,000,000.00 | 2,000,000.00 |
| Iowas | 120,543.37 | 120,543.37 |
| Kansas | 27,174.41 | 50,564.50 |
| Kickapoo | 115,727.01 | 113,169.44 |
| L'Anse and Vieux Desert Indians | 20,000.00 | 20,000.00 |
| Menomonees | 434,195.03 | 594,195.03 |
| Osages | 8,331,740.38 | 8,359,288.98 |
| Omahas | 189,480.78 | 211,339.07 |
| Otoes and Missourias | 611,443.30 | 618,394.29 |
| Pawnees | 355,268.86 | 417,035.05 |
| Poncas | 70,000.00 | 70,000.00 |
| Pottawatomies | 184,094.57 | 184,094.57 |
| Sac and Fox, Missouri | 21,659.12 | 21,659.12 |
| Sac and Fox, Mississippi | 55,058.21 | 55,058.21 |
| Sac and Fox, Oklahoma | 300,000.00 | 300,000.00 |
| Seminoles | 1,500,000.00 | 1,500,000.00 |
| Senecas | 40,979.60 | 40,979.60 |
| Senecas, Tonawanda band | 86,950.00 | 86,950.00 |
| Senecas and Shawnees | 15,140.42 | 15,140.42 |
| Shoshones and Bannocks | 154,879.30 | 173,915.94 |
| Sisseton and Wahpetons | 1,690,800.00 | 1,690,800.00 |
| Stockbridges | 75,988.60 | 75,988.60 |
| Umatillas | 115,258.85 | 242,353.47 |
| Uintah and White River Utes | 3,340.00 | 3,340.00 |
| Utes | 1,750,000.00 | 1,750,000.00 |
| Sioux, Pine Ridge | ..... | 950,529.36 |
| Sioux, Rosebud | ..... | 620,644.85 |
| Sioux, Standing Rock | ..... | 559,432.15 |
| Sioux, Cheyenne River | ..... | 356,015.40 |
| Sioux, Crow Creek | ..... | 156,063.52 |
| Sioux, Lower Brulé | ..... | 147,112.60 |
| Sioux, Santee | ..... | 210,202.12 |
| Total | 19,632,849.29 | 23,067,861.36 |

## SEAL FOR THE INDIAN BUREAU.

The design of a seal for this office, prepared by the Bureau of Engraving and Printing, was approved by the President October 28, 1892, as required by the act of Congress approved July 26, 1892. This seal, with a suitable press, also obtained through the Bureau of Engraving and Printing, is now in use.

## INTRUDERS IN THE CHEROKEE NATION.

The authorities of the Cherokee Nation have from time to time since 1874 reported the presence in the nation of large numbers of persons who they claimed were there without authority of law, and were occupying and cultivating some of the best lands of the nation, to the detriment and exclusion of its citizens; and the Nation has demanded of the Government that these persons be removed in accordance with the promises given the Cherokees in their treaties. Very few, if any, of the parties have, however, been removed, on account of the difference of opinion for a long time existing between this Department and the Cherokee authorities respecting the jurisdiction claimed by the Department over claims to rights of citizenship set up by most of the intruders complained against.

This controversy had the effect to postpone the adjudication of citizenship claims, and in the meantime the Indian agent was directed by a letter of July 20, 1880, to give certificates to all claimants to citizenship who could establish a prima facie right thereto, which certificates were to be regarded as entitling the holders to remain in the Cherokee Nation without molestation or liability to removal until such time as a plan could be agreed upon between the Department and the authorities of the nation for a fair and impartial trial of their claims. In the Cherokee trust fund case (117 U. S., 311) the Supreme Court decided that—

> If Indians in North Carolina or in any other State east of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation and be admitted to citizenship as there provided.

The decision in the case from which the above quotation is taken was rendered by the court on March 1, 1886, and under date of August 11, 1886, the office instructed the Union Indian agent to issue no further certificates of the character authorized in letter of July 20, 1880, above referred to, the Secretary of the Interior having by letter of August 5, 1886, directed the revocation of the order contained in said letter to the agent. The revocation of said order, however, was to have no retroactive effect.

Claimants to citizenship who have made settlements in the Cherokee Nation since the date of the letter from this office stopping the further issuance of prima facie certificates, as they were called, have done so at their own risk and have been liable to removal as intruders, and whenever opportunity has offered individual claimants have been so advised by this office.

The parties who, in good faith, had entered the nation prior to the date of that letter, believing they had rights there by blood, were, however, regarded as having acquired an equitable right to look to the

United States for protection in their property and improvements until some plan of settlement of their rights could be adopted. The Secretary of the Interior rendered a decision August 21, 1888, in the case of John Kesterson which fixed the status of all such claimants whose claims had been or might thereafter be rejected by the Cherokee authorities as intruders in the nation and subject to removal as such under article 27 of the treaty of 1866 (14 Stats., 806). He decided, however, that intruders of this class must be dealt with in the light of the facts in each case; that having gone there in apparent good faith upon the invitation of the nation, and having made valuable improvements while suffered or permitted to remain, the Department would not cause or suffer their removal to be made in such summary and sudden manner as to work great harm and loss to their property and unnecessary hardship personally to themselves and their families; that they were entitled to the protection of the Government of the United States in a proper way as its citizens, since they had not been admitted to citizenin the Cherokee Nation nor were under its jurisdiction; that this protection was peculiarly necessary in such cases; and that they were entitled to a reasonable time and opportunity, in view of all the circumstances of their long residence and labor in the nation, to gather their growing crops and to dispose of their property or remove it as might be most suitable to its character.

The agent having been instructed in office letter of August 24, 1888, in accordance with this decision, he issued notices to a large number of intruders of the class described, directing them to dispose of their property in the nation not of a movable character and to remove their other property and themselves and their families, within six months. The time within which the removals were to take place was extended indefinitely by this office, with the approval of the Department, in March 1889, on account of statements received here that recognized citizens of the Cherokee Nation, to whom alone the intruders could sell their improvements, refused to buy them, saying they must be abandoned anyway in six months and then they could be occupied without cost.

Thus the matter stood at the time of the ratification by Congress of the agreement entered into December 19, 1891, between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and Elias C. Boudinot, Joseph A. Scales, George Downing, Roach Young, Thomas Smith, William Triplett, and Joseph Smallwood, commissioners on the part of the Cherokee Nation, looking to the sale to the United States of the tract of country known as the "Cherokee Outlet." The first paragraph of article 2 of the agreement, which article contains the stipulated considerations for the cession provided for in article 1, is as follows, viz:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in con-

formity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section 6 of the treaty of 1835, and sections 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States as trespassers, upon the demand of the principal chief of the Cherokee Nation. In such removals no houses, barns, outbuildings, fences, orchards, growing crops, or other chattels real, being attached to the soil and belonging to the Cherokee Nation, the owner of the land, shall be removed, damaged, or destroyed, unless it shall become necessary in order to effect the removal of such trespassers: *Provided, always,* That nothing in this section shall be so construed as to affect in any manner the rights of any persons in the Cherokee Nation under the ninth article of the treaty of July 19, 1866.

In ratifying the agreement (27 Stats., 641) Congress proposed the following amendment to the above-quoted part thereof, which was consented to by the Cherokee Nation by an act of the national council approved April 3, 1893:

*And provided further,* That before any intruder or unauthorized person occupying houses, lands, or improvements, which occupancy commenced before the eleventh day of August, anno Domini eighteen hundred and eighty-six, shall be removed therefrom, upon demand of the principal chief or otherwise, the value of his improvements, as the same shall be appraised by a board of three appraisers, to be appointed by the President of the United States, one of the same upon the recommendation of the principal chief of the Cherokee Nation, for that purpose, shall be paid to him by the Cherokee Nation; and upon such payment such improvements shall become the property of the Cherokee Nation: *Provided,* That the amount so paid for said improvements shall not exceed the sum of two hundred and fifty thousand dollars: *And provided further,* That the appraisers in determining the value of such improvements may consider the value of the use and occupation of the land.

The provision in the treaty of 1835 (7 Stats., 478) relating to intruders in the Cherokee Nation and referred to in the agreement as "section six of the treaty of 1835" (which, however, is "article six," of said treaty) is as follows:

Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee Nation from domestic strife and foreign enemies and against intestine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country, and not make war upon their neighbors; they shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics, and teachers for the instruction of Indians according to treaty stipulations.

Articles 26 and 27 of the treaty of 1866 (14 Stats., 806) referred to in the agreement as "sections twenty-six and twenty-seven," are as follows:

ARTICLE XXVI. The United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be pro-

tected against interruptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their Territory. In case of hostilities among the Indian tribes the United States agree that the party or parties commencing the same shall, so far as practicable, make reparation for the damages done.

ARTICLE XXVII. The United States shall have the right to establish one or more military posts or stations in the Cherokee Nation, as may be deemed necessary for the proper protection of the citizens of the United States lawfully residing therein and the Cherokees and other citizens of the Indian country. But no sutler or other person connected therewith either in or out of the military organization shall be permitted to introduce any spirituous, vinous, or malt liquors into the Cherokee Nation, except the medical department proper, and by them only for strictly medical purposes. And all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian agent for the Cherokees to have such persons, not lawfully residing or sojourning therein, removed from the Nation, as they now are, or hereafter may be, required by the Indian intercourse laws of the United States.

In pursuance of the amendment made by Congress to the Cherokee agreement so called, as above set forth, the President appointed Messrs. Joshua C. Hutchins, of Athens, Ga., Peter H. Pernot, of Indianapolis, Ind., and Clem V. Rogers, of Oolagah, Ind. T. (the latter on recommendation of the principal chief of the Cherokee Nation), a Commission to appraise the improvements of intruders in the Cherokee Nation, who began the occupation of houses, lands, or improvements in said Nation prior to August 11, 1886, the date on which the stopping of the issuance of prima facie certificates was ordered. June 21, 1893, a draft of the instructions to govern the said Commission in its work was transmitted by this office for the consideration and approval of the Department. These instructions were approved by the Secretary of the Interior July 7, 1893, and the Commissioners named above are now in the Indian Territory engaged in appraising the improvements of the intruders in the Cherokee Nation entitled to compensation therefor under the law.

Among the parties charged by the Cherokees with being intruders, and whose removal with others is demanded, are a number of persons who claim that they were once lawfully admitted to citizenship in the Nation, and have never forfeited that right, but that they have since been unlawfully declared to be non-citizens and intruders. An inspector of the Department was recently sent to the Nation to investigate this class of cases.

## CHEROKEE FREEDMEN, DELAWARES, AND SHAWNEES.

Since the last annual report the second and third supplemental schedules of Cherokee freedmen have been made and approved, containing the names of 250 persons in whose behalf there has been submitted evidence satisfactory to this office showing that they were entitled to share in the per capita distribution of the $75,000 appropriated by the act of October 19, 1888 (25 Stats., 608), out of the funds of the Cherokee Nation, for distribution among its freedmen, Delawares, and Shawnees. This makes the total number 5,008 entitled, as follows:

| | |
|---|---|
| 3,568 Cherokee freedmen, less 44 since cancelled, 3,524, at $15.50 | $54,622.00 |
| 763 Delawares, less 16 not entitled, 747, at $15.50 | 11,578.50 |
| 747 Shawnees, less 10 not entitled, 737, at $15.50 | 11,423.50 |
| Total | 77,624.00 |

This is $2,624, or about 169 names, in excess of the appropriation made to pay said beneficiaries.

The agent has informally reported to this office from time to time that he was confident, from the efforts he had made to ascertain, as well as to pay off, the persons named in the first schedule, approved November 21, 1890, and in subsequent schedules, that there would be found to be a number of persons whose names are on said approved schedules who could not be identified, or whose names were duplicated, or who were born after or died before March 3, 1883, and that the number would be far in excess of the 169 for whom no appropriation has been provided.

In reviewing the payments made on these schedules by the agent up to and including his last returns, June 30, 1893, there appears to remain unpaid of the aforesaid 5,008 names on said approved schedules as follows:

| | | |
|---|---|---|
| Authenticated freedmen | 185 | |
| Authenticated freedmen, deceased | 40 | |
| | | 225 |
| Admitted freedmen | 153 | |
| | | 378 |
| Cherokee Delawares | | 14 |
| Cherokee Shawnees | | 54 |
| Total | | 446 |

There remains unexpended of the appropriation of $75,000 the sum of $4,304.50 with which to pay the said 446 persons, or so many of them as may be identified and found entitled.

If, however, this fund should become exhausted, leaving beneficiaries whose names are on the the approved schedules unpaid, application will have to be made to Congress for an additional appropriation; but until such a contingency either arises or becomes manifest, I do not deem it necessary to ask for more funds.

## ELECTION TROUBLES IN THE CHOCTAW NATION.

The Department is aware of the existence in the Choctaw Nation of a serious condition of domestic strife, more serious perhaps than would otherwise be regarded on account of the advanced position occupied by the Nation with relation to civilization, and in view of the reputation it has for a long time enjoyed of being one of the most conservative and quiet of all the Indian tribes and nations within our borders. My purpose here is simply to give a brief statement of the situation in the Nation and of the causes leading to it as shown by the records and files of this office, and not to discuss the matter, believing that the Department which has assumed full direction of it, will, in its wisdom, reach such a solution of the difficulty as will be for the best interest of the Choctaw people and of the United States.

The present condition of what might be termed suppressed civil war existing in the Choctaw Nation to-day is due to the bitterness engendered during the campaign which culminated in the election held in August, 1892, for principal chief. The partisans of each candidate for the office—Wilson N. Jones and J. B. Jackson—claimed that their candidate had been elected. The Jackson party, so called, claimed that Mr. Jackson had received a majority of the votes cast, which seemed to be true; but the vote was so close and the reports received in the office so uncertain that it was difficult to form any decided opinion in regard to the matter. Mr. Jones' friends denied the claim, alleging that the apparent majority for Jackson would disappear and a majority for Jones would be shown by an official canvas of the vote by the national council, which by law is charged with the duty of counting the vote and declaring the election. The friends of Mr. Jones were said to be largely in the majority in the council, and Mr. Jackson's friends claimed that the intention of the council was to count Jackson out and declare Jones elected, and the feeling between the parties which, as I have said, was already very bitter, became intensified.

Pending the assembling of the council certain persons, citizens of the Nation, and alleged to be members of the Jones party, were assassinated. It was claimed by Jones and his party friends that the crimes were committed by partisans of Jackson. The efforts of the Choctaw government (Mr. Jones was governor at the time) to apprehend and punish the parties suspected of the killing, all of whom were members of the Jackson party and the methods adopted to accomplish those ends, so excited the party friends of the suspected persons that civil war seemed altogether probable.

The governor found that the resistance to his authority was so great and so threatening that September 12, 1892, he requested the United States Indian agent for the Union Agency, to send Indian police and soldiers to assist the "authorities of the Nation to prevent further

murders, and suppress lawlessness committed by bodies of armed men," with whom he declared the Choctaw authorities were unable to cope without terrible sacrifice of life, and to "be at Tushkahoma with Indian police and soldiers when the Choctaw council convenes in October." The agent having telegraphed Governor Jones' request to this office, it was reported to the Department September 13, 1892, with the recommendation that "In view of the obligation of the United States to protect the Choctaws from domestic strife and the magnitude of the crisis as described in Agent Bennett's telegram and the press dispatches * * * the War Department be requested to issue the necessary orders by which a sufficient military force of infantry and cavalry can be made available for immediate service in assisting Agent Bennett, of the Union Agency, in maintaining peace and order in the Choctaw Nation, if called upon by him for such service."

On September 14, 1892, a telegram from Agent Bennett, who was at McAlester, Ind. T., was received as follows, viz:

Most reliable reports show that more than 300 Choctaw Indians are in arms. I came here from Caddo last night and to-day arranged and held, Indian police protecting place, conference between unarmed representatives of opposing factions, Governor Jones attending same. This conference agreed to surrender all who participated in recent murders to constituted authorities for a trial. Agreed all armed bodies should immediately disband and submit differences to the law. This conference dispassionate and harmonious and representatives present will use every endeavor to carry out agreement, but excitement intense. Have just received telegram from Hartshorn asking aid; that 30 armed men now surround house Sheriff Perry, whose life they seek. I have dispatched runner on horseback to Perry's, 12 miles east. If he reaches there in time Perry's life will be saved. If result of to-day's conference can reach people before commission of murders, I am sanguine temporary peace will prevail, but conference to-day unanimous that my presence at October council with police and soldiers absolutely essential to preserve peace there. Any apprehension showed by Governor Jones and conservative men both factions that peace agreement to-day's conference will not reach and be understood by people until further overt acts (of) violence are committed precipitating more serious trouble and loss of lives. Military aid asked for should be made available.

The same day the following telegram was sent Agent Bennett by this office:

On receipt of your first telegram yesterday office recommended that War Department have troops available for immediate service when called upon by you. Your second telegram sent to Secretary this morning. Will advise you what military officers to call upon when this office is informed.

Both telegrams were reported to the Department September 14, 1892.

The peace agreement entered into between the opposing factions of Choctaws September 13, 1892, contained two important stipulations, viz:

First. That within twenty-four hours, or by 12 o'clock noon of to-morrow, September 14, 1892, each and all of the persons who participated in the killing of Joe Hecklèchubbie, Frank Frazier, Elias Colbert, and Robison Nelson shall surrender to the constituted authorities of the Choctaw Nation, to wit, to a deputy sheriff or sheriffs, who shall be a member or members of the National party, said surrender

being made that said parties may answer before the proper courts of the nation for any offenses alleged against them.

Second. That all armed bodies of men now congregated throughout the Choctaw Nation shall immediately disband and shall not again be gathered together; but that all differences, real or imaginary, which now exist or which may hereafter arise, shall be submitted to and be settled by the courts of the nation, as provided in the constitution and laws of the Choctaw Nation, and whose decisions our people shall abide by.

Had these stipulations been faithfully adhered to no further serious trouble would probably have occurred. Thirteen of the accused parties surrendered on September 14, and three others surrendered subsequently in pursuance of agreement; but, although the agent reported, September 14, 1892, that armed bodies were disbanding and that there was every prospect of termination of hostilities, it seems from his telegram to this office on September 15, as follows, that the Jones men refused to accept the agreement:

Situation to-day very critical. Two more men surrendered last night. Being reliably advised at noon to-day that efforts would be made to take prisoners from custody of guards, I ordered Indian police to guard and protect them. At 5 o'clock this afternoon 100 Jones men, heavily armed, rode within hailing distance of prisoners and demanded them. My police warned them that prisoners were in their custody as United States officers and would not be surrendered. The armed men then rode away to consult with advisers and leaders. I have arranged with railway company to convey these men out of Choctaw Nation on any freight train to-night, should danger threaten or attempt be made to do these prisoners violence. Over 200 Jones men now congregated 2 miles south in command Green McCurtain. They express dissatisfaction with peace agreement made last Tuesday and declare determination not to abide by same. I still hope wise and conservative counsel will restrain further violence, and hesitate to order military until every civil means in my power has been exerted and am advised by Assistant Adjt. Gen. McKeever that commanding officer Fort Reno directed to furnish military on my order. Unless armed forces disband to-morrow will be constrained to order military aid.

This telegram was reported to the Department by this office on September 16, 1892, and Agent Bennett was telegraphed on the same date, as follows:

Your telegram 15th received and forwarded to Secretary Interior. As military aid is subject to your call, office relies upon your judgment to invoke it when emergency shall require its use, if at all.

On September 16, 1892, Agent Bennett telegraphed that Choctaw affairs were temporarily quieted; that the 16 persons had been surrendered to the sheriff of Gaines County for trial; that all armed bodies were disbanding, though feeling was still intense, and that any violence would cause serious outbreak and loss of life.

Although it seems that the people were on the point of collision all the time, it was not found necessary to send troops into the nation prior to the assembling of the council, which occurred October 3, 1892. However, Governor Jones having on the 19th of September requested Agent Bennett to be present at the opening of council, he (Bennett) called for troops and they marched from the post of Fort Reno on the latter date, expecting to reach Tushkahomma by October 3.

On September 22, 1892, Mr. Jackson addressed a letter to Governor Jones proposing a plan of settlement of the trouble, as follows, viz:

With feelings of great concern and distress for our people in this time of trouble, and in the hope that peace may in some way be restored, I propose to you the following as a method of settlement of the trouble, in the belief that thereby every right-minded man will be fully satisfied.

Believing that no decision of our council, however just it may be, will be satisfactory to all our people and restore confidence in our government, I very respectfully submit to you the following proposition:

Under an agreement entered into at McAlester, September 13, 1892, United States Indian Agent Dr. Leo E. Bennett is to be present at council during the counting of votes with a detachment of United States troops. This agreement, as I understand it, is for the preservation of peace, and could not possibly settle any misunderstanding regarding the legality of any votes or precincts.

Realizing the fact that the United States Indian agent of the Union Agency is a United States officer, placed here by the United States Government for our interest and protection, and having the utmost confidence in the honesty and integrity of Dr. Leo E. Bennett, our present agent, I propose to you that all disputes and misunderstandings that may arise during the counting of the votes shall be referred to him for settlement. His decision to be final so far as our authorities are concerned, but either party feeling itself aggrieved at the decision of said agent shall have the right to appeal to the Interior Department, whose decision shall be final.

In case this proposition meets with your approval, that at the earliest opportunity, before the convening of council, you select a committee and I will select one of equal number to arrange all the preliminaries for said agreement.

In making this proposition I can assure you that I lay aside all personal interest and am actuated solely in the interest of peace and the love I bear our people and our nation.

Although Mr. Jones had not agreed to the proposition, reserving his decision in the matter until October 3, 1892, when the council should assemble, the office, under Department authority, given in letter of October 1, 1892, telegraphed to Agent Bennett on that date, as follows:

The Secretary, in letter to-day, concurs in the opinion of this office that there is no impropriety in your acting as arbitrator in Choctaw election troubles if called on by both parties, with right of appeal to this Department.

It is not understood that the arbitration plan proposed by Mr. Jackson was carried into operation, but that Agent Bennett was present at the council with troops whose efforts were directed solely to preserving the peace. The returns of the August election were canvassed by the council (and as understood without interference from or the assistance of Mr. Bennett) and Wilson N. Jones was declared to have been elected governor, or principal chief. Agent Bennett and Inspector Gardner, who had been dispatched by the Department to advise and assist him in the matter, remained at Tuskahomma until October 12, 1892, on which day they returned to Muscogee, Ind. T., where the Union Agency is located.

Troops under the command of Capt. R. M. Hayes were, however, retained in the nation until October 28, 1892, when they were withdrawn, Agent Bennett having, October 26, 1892, addressed a letter to

Capt. Hayes advising him that he believed the troops could be withdrawn on that date without endangering the peace. In his letter of October 26, 1892, to this office, transmitting a copy of his communication to Capt. Hayes, Agent Bennett said:

There is yet a *possibility* of trouble when the trial of the men charged with the murders committed in September last is entered into, but [if] after the experience which they have had and the advice already given, the Choctaw people can not be restrained from these acts of outlawry, and their authorities find it again impossible to deal with their own citizens, unless supported by United States soldiers, I am unable to determine upon any other recommendation than that which I have warned them I would make—the placing of the superintendence of their affairs in the hands of the War Department. I do not believe that there is a *probability* of trouble of such a character as to necessitate action upon my part, but feel quite confident that the authorities of the nation will be able to control the situation without calling upon me again.

No further trouble was experienced until March, 1893. The trial of the prisoners who surrendered September 14, 1892, had not been entered upon as late as February 24, 1893, the agent having on that date transmitted to this office a communication from Gardner and McClure, the attorneys for the prisoners, with certain affidavits charging that said prisoners were being unnecessarily held and denied a fair trial by the authorities of the Choctaw Nation, and requesting that this Department take some action that would secure the release of the parties upon proper bail or their speedy trial. The office replied to this request March 11, 1893, with the statement that the Department would not be authorized to interfere with the execution of the laws of the Choctaw Nation by its proper authorities unless it could be shown that the laws sought to be executed were inconsistent with the Constitution of the United States, and the laws enacted thereunder for the government of trade and intercourse with the Indian tribes, the Choctaws being secured by their treaties in the right of self-government and full jurisdiction of the persons and property of their citizens, with the reservation that the government must be conducted in a manner compatible with the United States Constitution and the Indian intercourse laws.

In the meantime reports were observed in the public press to the effect that a condition of armed insurrection existed in the Choctaw Nation, and under date of March 27, 1893, Agent Bennett was telegraphed:

Press dispatches from Paris, Tex., report bloody feud between two factions of Choctaws. Situation critical at Antlers. Report what action, if any, necessary to preserve peace.

Agent Bennett replied the same day by wire:

Choctaw authorities have not reported the existence of strife beyond their own control, nor asked Federal assistance in preserving peace. Will report again when more fully advised of situation.

And on the next day he telegraphed that—

Choctaw authorities report no trouble—ask no assistance. Have taken no official action in their affairs. Press dispatches from McAlester report two engagements

near Antlers. Twenty-five killed, several wounded. Can get no dispatches from Antlers.

These telegrams were quoted for the information of the Department in office report of March 29, 1893, and on March 30 the following telegram from Agent Bennett was also reported to the Department:

Reliable Antlers dispatch reports both factions Choctaws disbanded. Fight yesterday resulted, several wounded, no killed.

March 31 Agent Bennett was telegraphed to "proceed at once to locality of Choctaw troubles and telegraph situation, and what further, if anything, is to be done by the United States." On the following day two telegrams, dated March 31, were received from Agent Bennett, one from Muscogee, Ind. T., advising the office that unless situation at Antlers changed he would reach there by first possible train, and the other from Wagoner, stating that he was on his way to Antlers and that the United States commissioner of that place had wired him that opposing forces were encamped 4 miles apart preparing for a conflict. In both of these telegrams he urged that military aid be made available upon his call to assist him in preventing bloodshed. These telegrams were quoted in a report to the Department of April 1, 1893, in which it was recommended that—

Request be made upon the honorable Secretary of War to instruct the proper military authorities to furnish upon the call of Leo E. Bennett such military force as may, in the judgment of the military officer, be necessary for the purpose required upon such representations of the situation as Agent Bennett may make in his call for troops.

On the same day Agent Bennett was telegraphed that the War Department had been requested to furnish troops on his call, and he was directed to confer with the nearest military commander.

The two telegrams to Agent Bennett containing the information and instructions above set forth were quoted in a second report of April 1, 1893, to the Department, as was also a telegram of that date from Agent Bennett stating that the situation was critical, large forces of armed Choctaws confronting each other likely to come in conflict at any time.

April 3, 1893, the agent telegraphed:

Temporary truce arranged yesterday. Armed forces disbanding; situation yet serious, seemingly uncompromisable under present Choctaw government. Full report mailed you this (Monday) night. Pending your consideration and action all hostilities cease. While great relief experienced at disbanding armed forces, feeling one of dread uncertainty.

The report referred to in the telegram above quoted was dated April 4, 1893, and contained a statement of the position of both factions in the Choctaw Nation with reference to the trouble. The situation as gathered from this report, and from a letter from Governor Jones to Mr. Bennett, which was transmitted with it, was briefly as follows: Governor Jones in December, 1892, received a written request

from the circuit judge of the first judicial district for the arrest of Willis Jones who had been indicted at a special term of the circuit court of said district, but had eluded arrest, and was at that time in the second judicial district. In response to said request he issued an order to one of his light-horsemen to arrest Jones and turn him over to the proper sheriff. Said Jones was arrested on this order on February 12, 1893, but was rescued by one Albert Jackson and others, who took him by force of arms from the light-horseman who had him in custody, whereupon Governor Jones, on March 11, 1893, issued an order commanding the militia of the nation to arrest said Jones and all others interfering with the officers. Then said Albert Jackson and one V. M. Locke, a white man and citizen of the nation by marriage, with about 100 Choctaws banded themselves together for the purpose of resisting the militia in making the arrests which their orders required. The militia while marching in search of said Willis Jones came upon the said Locke at his house and were fired upon by Locke and a fight ensued in which the sheriff of Kiamichi County and three men of the Locke party were wounded. Governor Jones added that he had the militia in readiness, but had suspended operations until he could inform Agent Bennett and through him this Department in regard to the situation. He further stated that he was very anxious to settle the matter without further violence and declared that he was confident that he could, with the aid of the Choctaw officers, manage the difficulties without the aid of United States troops; but that if he should need military aid he would so notify Agent Bennett.

This statement, with the exception of that part which made it appear that the Locke party began the fight, is, it seems, admitted by all to be correct. Mr. Locke and his friends, however, claim that they did not arm themselves to resist the authority of the government of the Choctaw Nation lawfully exercised, but that the action of the governor in ordering the arrest of Jones, first by light-horsemen and then by the militia, was unlawful, operating as a suspension of civil process without sufficient reason and a usurpation of power not given the governor by the constitution or laws of the nation; that they armed themselves in defense of their lives and of their rights under the constitution as citizens of the nation; also that the firing at Antlers was begun by the militia.

In his report Agent Bennett said that he had carefully listened to statements from Governor Jones, Captains Durant and Thompson, Mr. Dukes and others of the militia faction, and a number of Indians and leading men of the other faction, as also of disinterested eyewitnesses of the conflict at Antlers, and that after giving to the statements each their full credit, and carefully weighing the same in all its bearings he was forced to the following conviction:

That the calling out of the militia by Governor Jones to arrest Willis Jones was unnecessary and unlawful; that the acts of said so-called militia have been contrary to the laws and the constitution of the Choctaw Nation, and that the conflict precip-

itated by them was the act of a drunken, irresponsible, and uncontrolable mob, who were banded together as militia for the evident purpose of murdering men, women, and children, thereby removing their political opponents, and so intimidating others that the powers of the present party in authority may be perpetuated. (This is election year with the Choctaws for their national treasurer, auditor, secretary, etc.) It is a fact, almost without denial, that this drunken mob was led by a private individual and not by its proper officers; that many of the mob were so intoxicated as to be unable to sit upon their horses; that they were utterly reckless in the use of their firearms, as they shot into the Methodist church, the Masonic hall, the railway depot, and into the house of the Methodist minister, a white man, where his wife and children were; that they refused to permit these women and children to leave their home and seek a safe retreat, but forced them to remain therein during the leaden hail which was showered into and about the same for a half hour, and that altogether the acts of said militia were more those of wild beasts than of human beings. I was and am horrified to think that in our country such an outrage could be perpetrated under the color of law. I know that the present Choctaw government will never bring these attempted murderers to a trial, but will uphold them in their unlawful acts. I am fully convinced from the violation of pledges heretofore given to me by Governor Jones and his followers that it would be assisting in a so-called judicial murder to permit the militia to make arrests in the Choctaw Nation; that where I have heretofore surrendered to the Choctaw authorities, under the most solemn pledges of doing right by them, citizens charged with offenses, these pledges have been violated by the Choctaw authorities, and the prisoners robbed of their liberties and deprived of their rights.

Agent Bennett stated also that the Locke or insurrection party expressed their desire for peace and the wish to be allowed to return to their homes and families, and said if he would promise to protect them from the Choctaw militia they would surrender their arms to him and disband; and that while he thought the condition named upon which they would surrender their arms and disband was fair, just, and necessary, he could not accept of their surrender because he was powerless to protect them without military aid, which he did not at that time have. He concluded his report with the statement that it was his opinion that there was not open any other peaceable settlement of the Choctaw troubles than that the United States should place the Nation under martial law, saying that he had thoroughly considered the gravity of such a conclusion which had been forced upon him, but that he could not then see any other solution of the troubles which would avoid bloodshed and strife.

In transmitting Agent Bennett's report to the Department with its communication of April 8, 1893, the office recommended that the matter be laid before the Secretary of War with a view to having a detachment of United States troops sent into the Choctaw country, to be stationed at such point as Agent Bennett might designate, to protect the Choctaw Nation against domestic strife, and to protect life and property. Capt. Guthrie and 41 men were dispatched by the War Department to the scene of the troubles April 10, 1893, to arrive the next day, and since the United States troops have been in the Nation the office has received no further reports indicating a condition of strife therein.

Some excitement, however, was occasioned by the conviction (June 17, 1893), of nine of the men charged with murder who surrendered in September, 1892, and their sentence, June 19 following, to be shot. The death sentence was not, however, executed, the Department intervening in behalf of the condemned parties on account of the charge made by many that their trial was not fair or impartial.

## CHIPPEWA AND MUNSEE INDIANS IN KANSAS.

There was given, at some length, in the annual report of this office for the year 1891 the status of these Indians and of their lands. The recommendations then made, and renewed in the last annual report meet my approval, and I respectfully renew the request that Congress be asked to enact the necessary legislation for their relief as was then recommended, viz:

In view of the condition of the affairs of these Indians, and the fact that under the general allotment act of February 8, 1887, they were made citizens of the United States, I respectfully recommend that Congress be asked to grant authority to issue patents in fee to the allottees of the several tracts, or to those assigns whose conveyances have been approved by the Department, and that such lands as are vacant or abandoned, including their school and mission lands and the tract on which the schoolhouse was located, be appraised and sold by the Commissioner of the General Land Office, the net proceeds arising from the sale to be funded for the use and benefit of those members of said tribes born since the allotments were made, or who have never received an allotment.

## EASTERN BAND OF CHEROKEES IN NORTH CAROLINA.

The suit in the United States circuit court for the western district of North Carolina, instituted by the Attorney-General some years ago, to establish a clear title to the lands in that State claimed by the Eastern Cherokees, is in about the same condition as reported in the last annual report of this office (p. 123). I am informally advised that a master in chancery has been elected, and had hoped that the suit would be pushed to a definite conclusion. But from late reports I understand that it has been postponed till another term of the court, and I fear that the interests of these Indians may suffer by reason of these unavoidable postponements.

## ISABELLA RESERVATION, MICH.

Nothing of special interest has occurred with respect to this reservation during the past year, except the decision of the supreme court of Michigan to the effect that the lands allotted to the class of Indians designated as "not so competent," are not taxable. This has been a

disturbing matter to the Indians for a number of years, several sales for taxes having been made. All the land of this reservation has been patented, but much of it has passed from the possession of the Indians.

## KICKAPOOS IN KANSAS.

The first section of the act of Congress approved August 4, 1886 (24 Stats., 219), extended the beneficial provisions of the amended third article of the treaty between the United States and the Kickapoo tribe of Indians, concluded June 28, 1862 (13 Stats., 624), to all allottees under said treaty without regard to their being "males and heads of families," and without distinction as to sex. The second section of said act provides for the issuance of patents and payment of head money to the heirs of allottees who died without receiving their patents or shares of head money.

Under the foregoing provisions of law patents have been issued during the year and estimates submitted to Congress for the payment of head money to four Indians who have been naturalized and to the heirs of three who have died.

## KOOTENAI INDIANS IN NORTHERN IDAHO.

Reference was made in the annual report of last year to the Kootenais, of northern Idaho, numbering about 225, with the statement that a portion of them had been removed to the Flathead Reservation, Mont.; that some, claiming to be Canadian Indians, had moved across the international boundary line into Canada; that eight families, who had improved and cultivated certain lands, desired to remain there and have the same allotted to them, which would be done; and that the disposition of the Kootenais might, therefore, be considered settled.

Steps were taken in 1889 to settle the Kootenai question. On June 21 of that year Agent Ronan, of the Flathead Agency, Mont., was instructed, if these Indians could not be induced to remove to the Flathead or some other reservation, to encourage them to take allotments under the fourth section of the general allotment act, approved February 8, 1887 (24 Stats., 388), and in the event that the Indians desired to remain where they were, to furnish further information as to the extent and character of the land occupied by them, and in their vicinity; how much they claimed and had improved; how much unoccupied and unimproved land there was in that vicinity suitable for allotment to the Indians; and whether any of the lands hitherto unoccupied by them had been entered or located by whites, and if so, to what extent; and to advise the Indians that should they refuse to remove to some reservation, they must take steps to obtain title to the lands occupied by them, otherwise they would meet with trouble in their efforts to retain them.

August 6, 1889, Agent Ronan reported that he had visited these Indians; that many of them desired to remain in their locality and have the lands they occupied allotted to them under said fourth section; and that there was plenty of excellent land in that locality upon which to settle all the Indians in severalty.

August 28, 1889, Agent Ronan was again instructed to proceed to that country and advise the Indians to so select and locate upon their claims that each person would receive, when the allotments should come to be made, the quantity to which he might be entitled under the fourth section of said act, and to forward a description of the lands in the possession, use, and occupation of the Indians, to the proper local land officers, in order that they might be fully advised in the matter and allow no entries thereon. He was also instructed to give such publicity as he might be able to the fact that the country in question was in the possession and use of the Indians, and that steps were being taken to have the same allotted to them, and that in the meantime no white person could, under General Land Office circular of May 31, 1884, obtain any title or claim to any of the lands occupied by the Indians.

July 20, 1891, Catherine B. Fry (Indian) filed several applications in the local land office at Cœur d'Aléne, Idaho, among which was an application to have allotted to her minor child, Arthur Fry, certain lands in the vicinity of Bonner's Ferry, Idaho, which application was referred to this office by the General Land Office, December 29, 1891. May 10, 1893, the special alloting agent on duty in this office, allotted to the minor child, Arthur, the lands applied for, and on the same date the allotment was forwarded to the Department. The next day the said allotment, together with others, was approved by the Department and transmitted to the General Land Office, with instructions to issue patents to the allottees.

Information has reached this office to the effect that settlement by whites has been made upon the tract allotted to Arthur Fry; that a town of some 400 inhabitants has sprung up thereon; that the same has been laid off into streets and alleys; that a town-site company has been incorporated to dispose of the lots; and that the improvements erected thereon have an estimated value of many thousand dollars. A committee of the citizens of the town referred to has requested that the allotment to said minor be cancelled. The facts in the case thus far obtained, show that the said allottee is entitled to the land in question. A special agent of this office has been sent there to make a full and complete investigation of the whole matter and submit report thereof. His report has not yet been received.

## LOWER BRULÉ SIOUX ON ROSEBUD RESERVATION.

In the last annual report of this office reference is made to the "Rosebud agreement," so-called, concluded under authority of a clause contained in the Indian appropriation act of March 3, 1891 (26 Stats., 1009), whereby such of the Lower Brulé Sioux as desired to do so might settle and take lands in severalty upon the Rosebud Reservation, S. Dak., the Indians so transferred to cede and relinquish to the Rosebud Indians all their right, title, and interest in and to the Lower Brulé Reservation.

This proposition was rendered null and void for the reason that it failed to secure the consent of three-fourths of the Lower Brulé Indians, which, it was understood, would be required in order to make it binding upon the tribe. The action of the Indians in the matter was declared by the Department to be final, and all parties interested were informed of that fact.

There are some 500 or 600 of the Lower Brulés now living south of White River and on the Rosebud Reserve, and efforts have been made to induce them to remove to their own (the Lower Brulé) reservation or to the Sioux ceded lands, and to take allotments thereon, if entitled to do so under the law and existing Departmental instructions; but they still linger on the Rosebud Reservation. However, Special Agent Thomas P. Smith recently reported to this office, after an investigation of the matter, that, in his opinion, these Indians would remove to their own reservation when the agency and the buildings belonging thereto shall have been removed to the new Lower Brulé Reservation. Steps are now being taken to remove the agency thither. When the removal of the agency is completed and an issue house has been constructed on the reservation, steps will be taken to remove the Lower Brulés from the Rosebud Reserve.

## MOQUI RESERVATION.

Nothing of special interest has occurred respecting the Indians of this reservation during the past year. The work of allotting their lands in severalty has been in progress since January, 1892, but the progress is slow. The peculiar formation of the land and habits of the Indians together with the opposition of one of the three bands or villages of Indians have been the cause of greatly retarding the work. They are now and for some time have been much exercised over the intrusion of some of their neighbors, the Navajoes, a number of whom have been for some years located upon certain tracts of land desired by the Moquis. Measures looking to their removal are now being pushed.

## NORTHERN CHEYENNES IN MONTANA.

On February 6, 1892, this office made a full report to the Department as to the unsettled condition of affairs among the Northern Cheyennes in Montana, owing to the encroachments by white settlers upon their reservation and also upon certain nonreservation lands long claimed and occupied by that tribe. Recommendation was made that Congress should be earnestly urged to enact such legislation as would put the Indians in possession of their entire reservation, and would authorize the purchase of the lands of those settlers who had acquired rights thereon prior to the establishing of the same by Executive order of October 1, 1884, and the removal of all other white settlers therefrom, and a change of the eastern boundary line so as to enlarge the reservation.

A bill to increase the area of the Northern Cheyenne or Tongue River Reservation, Mont., and to authorize the Secretary of the Interior to settle the claims of bona fide settlers within the present reservation and the addition thereto, and to make appropriation for that purpose, was introduced into the Senate at the last Congress. It was referred to the Senate Committee on Indian Affairs and reported back January 10, 1893, without amendment.

Some legislation of the character indicated is needed to restore harmony among the Indians, and to give them the rights to which they are justly entitled. I would, therefore, recommend that the attention of the Fifty-third Congress be invited to this matter.

## OTOE AND MISSOURIA INDIANS.

A matter of special interest to these Indians was the passage of the act of March 3, 1893, entitled "An act to provide for the adjustment of certain sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas," (27 Stats., 568.) "Adjustment" here means that the purchasers of these lands at public auction, many of whom have not paid all of the purchase money, are raising the cry that the lands are not now worth what they paid or agreed to pay for them in "boom" times, and are asking "adjustment" so that they will not be required to pay more than the appraised value of the land at or just before the time of sale in 1883. An adjustment in the manner proposed would cause a loss of about $296,000 to the Indians. The views of this office on the subject were fully set out in letters to the Department dated April 22, 1892, and March 3, 1893.

## SANTEE SIOUX IN NEBRASKA.

Section 7 of the Sioux act, approved March 2, 1889 (25 Stats., 888), provided as follows:

That each member of the Santee Sioux tribe of Indians now occupying a reservation in the State of Nebraska not having already taken allotments shall be entitled to allotments upon said reserve in Nebraska as follows: To each head of a family one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child, under eighteen years, one-eighth of a section; to each other person under eighteen years of age now living, one-sixteenth of a section; with title thereto, in accordance with the provisions of article six of the treaty concluded April twenty-ninth, eighteen hundred and sixty-eight, and the agreement with said Santee Sioux approved February twenty-eighth, eighteen hundred and seventy-seven, and rights under the same in all other respects conforming to this act. And said Santee Sioux shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were residents upon said Sioux Reservation, receiving rations at one of the agencies herein named: *Provided*, That all allotments heretofore made to said Santee Sioux in Nebraska are hereby ratified and confirmed * * *.

An act of Congress approved January 19, 1891 (26 Stats., 720), contains this provision:

To enable the Secretary of the Interior to purchase lands for such of the Santee Sioux Indians in Nebraska as have been unable to take lands in severalty on their reservation in Nebraska by reason of the restoration of the unallotted lands to the public domain, $32,000.

The Indian appropriation act of July 13, 1892 (27 Stats., 145), contains a clause providing as follows:

That the funds now in the Treasury belonging to the Santee Sioux Indians in the State of Nebraska, and at Flandreau, in the State of South Dakota, resulting from the sale of lands in Minnesota, and $32,000, heretofore appropriated to purchase lands for the Santee Sioux in Nebraska, who have not received allotments, may, in the discretion of the Secretary of the Interior, be paid in cash.

September 26, 1892, the Secretary of the Interior authorized the payments in cash to the Santee Sioux Indians of certain specified sums of money standing to their credit on the books of the Treasury, including the $32,000 appropriated by act of January 19, 1891. April 21, 1893, this office submitted to the Department a schedule of the names of the Santee Sioux Indians entitled to share in the $32,000 referred to, with the amount to which each was entitled, with recommendation that payment be made accordingly. The authority therefor was granted and the payment has been made.

## SOUTHERN UTES.

The agreement concluded with the Southern Ute tribe of Indians November 13, 1888, and transmitted by the Department to Congress with draft of bill January 11, 1889, has not yet been ratified. House bill No. 67, Fifty-second Congress, first session, to ratify and confirm said agreement, was read twice and referred to the Committee on Indian Affairs, but does not appear to have received any further action.

It has been nearly five years since this agreement was concluded, and the interests of the Indians render it very important that some definite action in regard to their status be taken at an early day. The unsettled condition of mind consequent upon this inaction naturally has an unfavorable effect upon the Indians, and is doing more to retard their advancement than any other known cause. It prevents the work of allotment and creates a general disinclination to agricultural pursuits or home-making, except of the most temporary character.

## UPPER AND MIDDLE BANDS OF SPOKANES.

Congress, by act of July 13, 1892 (27 Stats., p. 120), accepted, ratified, and confirmed the agreement concluded with the Upper and Middle bands of Spokane Indians March 18, 1887, and for the purpose of carrying the same into effect appropriated $30,000 as the first installment of the consideration ($95,000) mentioned in the agreement. This $30,000 was appropriated with the provision that it should be expended for the benefit of those Indians who should remove to the Cœur d'Aléne Reservation in Idaho, in the erection of houses, assisting them in breaking land, in the purchase of cattle, seeds, agricultural implements, saw and grist mills, clothing, subsistence, etc.

As the said agreement provides for the removal of some of these Indians to either the Colville or Jocko reservations, at their option, Congress was asked to amend the act so that the $30,000 appropriated might be applied to their benefit, as well as to the benefit of those removing to Cœur d'Aléne. Accordingly the act approved March 3, 1893 (27 Stats., p. 612), contains a clause providing that any moneys theretofore appropriated for the removal of the Spokanes to the Cœur d'Aléne Reservation shall be extended to or expended for such members of the tribe as have removed or shall remove to the Colville or Jocko reservations. The act also appropriates $20,000 as the second of ten installments, as per said agreement, to be expended in the removal of the Spokanes to Cœur d'Aléne, etc.

Montgomery Hardman, of Spokane, Wash., was appointed special agent to remove these Indians to Cœur d'Aléne. He was given full and explicit instructions in the matter September 14, 1892, and after an examination of the situation reported that it was hardly possible to

locate the Spokanes on the Cœur d'Aléne Reservation in permanent homes upon one tract without in some measure interfering with the Cœur d'Aléne Indians. But as Article 2 of said agreement provides that the Spokanes shall be permitted to select their farms and homes on a tract of land to be laid off and surveyed and the boundaries marked in a plain and substantial manner, under the direction of the Secretary of the Interior, on said Cœur d'Aléne Reservation, Special Agent T. P. Smith was recently instructed to proceed to that reservation at his earliest opportunity and, in conjunction with Special Agent Hardman and the U. S. Indian agent of the Colville Agency, Washington, to lay off and describe therein a tract for the Spokanes, and to explain the whole matter in council to the Cœur d'Alénes.

Owing to the death of Agent Ronan, of the Flathead Agency, Special Agent Smith was recalled from these duties and ordered to take charge of that agency. The acting agent of the Colville Agency was at the same time instructed to perform jointly with Special Agent Hardman the duties previously assigned to Special Agent Smith. Some opposition having been shown by the Cœur d'Alénes in the matter of selecting lands for the Spokanes, the business has been temporarily suspended.

## STOCKBRIDGE AND MUNSEE INDIANS IN WISCONSIN.

Perhaps there is no tribe of Indians in the United States whose affairs have been so complicated and confused as the Stockbridge and Munsee tribe in the State of Wisconsin. Their troubles have been due to internal dissensions engendered and kept alive by the intrigues of ambitious members of opposing factions of the tribes; to the intermeddling of designing white men living in the vicinity of their reservation, who have sought to make money out of the timber on the reservation; and to unwise legislation enacted upon the representations of interested parties, who claimed that it was for the purpose of healing the divisions existing among the leading elements of the tribe, but which really made the situation more perplexing and intricate.

The troubles of these Indians began in 1831 with the treaty of that year between the United States and the Menomonee tribe of Indians (7 Stats., 342) by an amendment to which a reservation of two townships of land was made "for the use of the Stockbridge and Munsee tribes." In order to settle the dissensions that existed among the members of the tribes named, treaties were entered into with them on September 3, 1839 (7 Stats., 580), November 3, 1848 (9 Stats., 955), and February 5, 1856 (11 Stats., 663). In the meantime acts of Congress, having in view the same purpose, were approved on March 3, 1843 (5 Stats., 645), under which each and every member of the tribes became a citizen of the United States January 1, 1844; August 6, 1846 (9 Stats.

55), repealing the act of 1843, and restoring the Indians to their ancient form of tribal government; and February 6, 1871 (16 Stats., 404), providing for the division of the tribe by the admission of some to citizenship and the taking of a census of those who were to remain in tribal relations.

I do not deem it necessary here to enter largely into a discussion of the provisions of all the various treaties and acts above cited and the effect of each; but will briefly state the provisions of the treaty of 1856 and the act of 1871, and the effect of the execution of the latter. The treaty of 1848 provided for the patenting of certain tracts to members of the tribe and for their admission to citizenship in the United States. This the parties affected claimed was without their consent and against their desire; so the treaty of 1856 was made for the avowed purpose of fixing the membership of the tribe, and it provided for the admission to rights therein of all who were recognized as members under the treaty of 1839, including those who became separate in interest from the tribe under the provisions of that treaty, and their descendants.

This treaty was signed by four-fifths of the adult members of the tribe, and it would perhaps have forever settled the troubles of the Stockbridges and Munsees had it not been that the small minority who refused to sign it continued to foment discord, until through their efforts the matter became involved in the local politics of the State. This fact enabled the small disaffected element to secure the passage by Congress of the act of 1871, which, as executed, entirely unsettled the arrangement of the affairs of the tribe under the treaty of 1856, and took away vested rights acquired by many of the tribe under said treaty. People who had always been recognized as Stockbridges or Munsees were deprived of their rights to tribal property, and in the funds of the tribe, because of the fact that they had selected lands for allotment under the treaty of 1856, some of which lands were reallotted to parties who were favored in the execution of the act of 1871.

Ever since 1874, when the rolls provided for by the said act of 1871 were transmitted to this office by the special commissioner appointed to take the census, the parties who had been deprived of their rights have persistently and continuously urged upon the Government the fact that injustice has been done them and the importance of some action by Congress to correct the wrong. In the meantime their opponents in the tribe have been as active in their efforts to prevent legislation in their behalf, and to secure other legislation by which the affairs of the tribe would be settled in such manner as to forever cut them off from any likelihood of receiving any benefit from the common or tribal property. In 1891 an act was passed by Congress less than ten days prior to adjournment, which would have had this effect; but it never became a law, the office reporting strongly against its approval,

and the President not having approved it at the expiration of the Fifty-first Congress.

Bills have been time and again introduced in Congress having in view the correction of the wrongs that have been done the aggrieved element of the tribe, but they have been met with such strong aggressive opposition either in the Senate or House of Representatives that none were ever enacted into law until on March 3, 1893, the President approved "An act for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin" (27 Stats., 744), which provides as follows:

Whereas a treaty was entered into on the fifth day of February eighteen hundred and fifty-six, by and between the Government of the United States and the Stockbridge and Munsee Indians, in which the said Indians ceded certain lands to the United States, and accepted in consideration thereof certain lands as a reservation, to which said Indians removed, and upon which they have ever since resided; and

Whereas by the interpretation placed by Government officials on the act of February sixth, eighteen hundred and seventy-one, an act for the relief of said Indians, a large part of said Indians (and their descendants) who signed said treaty of eighteen hundred and fifty-six, and have continued with said tribe from the making of said treaty to the present time, are excluded from participating in tribal funds and the right to occupy said reservation: Therefore

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons who were actual members of said tribe of Indians at the time of the execution of the treaty of February fifth, eighteen hundred and fifty-six, and their descendants, and all persons who became members of the tribe under the provisions of article six of said treaty, and their descendants, who did not in and by said treaty, and have not since its execution, separated from said tribe, are hereby declared members of said Stockbridge and Munsee tribe of Indians and entitled to their pro rata share in tribal funds and in the occupancy of tribal lands; and all members who entered into possession of lands under the allotments of eighteen hundred and fifty-six and of eighteen hundred and seventy-one, and who by themselves or by their lawful heirs have resided on said lands continuously since, are hereby declared to be owners of such lands in fee simple, in severalty, and the Government shall issue patents to them therefor.

SEC. 2. That it shall be the duty of the Secretary of the Interior, without unnecessary delay after the passage of this act, to cause to be taken an enrollment of said tribe on the basis of the provisions of this act, which enrollment shall be filed, a copy in the Department of the Interior and a copy in the records of said tribe: *Provided,* That in all cases where allotments of eighteen hundred and seventy-one shall conflict with allotments of eighteen hundred and fifty-six, the latter shall prevail.

Under date of April 22, 1893, a draft of instructions for the guidance of the persons to be designated by the Department to make the enrolment provided for in the law, as above quoted, was transmitted for the approval of the Secretary, and the same was approved July 7, 1893. Mr. C. C. Painter, agent of the Indian Rights Association, has been detailed to do the work. The act carries no appropriation to pay for the making of the enrollment, and Mr. Painter's expenses will have to be paid out of the appropriation for the contingencies of the Indian Department.

## THE WENATCHEE FISHERY.

By the tenth article of the Yakama treaty of June 9, 1855 (12 Stats., 954), there was reserved and set apart from the lands ceded by the treaty, for the use and benefit of said Indians—

> A tract of land not exceeding in quantity one township of 6 miles square situated at the forks of the Pisquouse or Wenatshapam River, and known as the Wenatshapam fishery, which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations.

July 19, 1892, Jay Lynch, agent for the Yakama Indians, on their behalf, called attention to this provision of the treaty and asked whether or not said tract of land had ever been surveyed and definitely located and marked out as provided in said treaty. The records of the office failed to disclose any information of such a survey or even the location of the tract, and upon inquiry made of the Indians they were equally ignorant respecting its status.

August 27, 1892, the facts were reported to the Department, and request made that authority be given the Indian agent, to visit the locality of said "fishery" as described in the treaty, and to locate the same by metes and bounds, or by natural objects, taking care not to interfere with the vested rights of any settlers or other parties who might be located thereon. The authority being granted, the agent was duly instructed on the 8th of September to visit and definitely locate the tract of land, so that it might be surveyed and marked out, under the directions of the President, as the treaty stipulated. This was done, and report of his action was made October 24. The tract of land recommended by him as the land to be set apart was substantially the reservation provided for in the treaty, and is described as follows:

> Commencing at a point on the right bank or west shore of Lake Wenatchee, 1¼ miles by the shore line from the right bank of the river Wenatchee, where it leaves (not enters) the lake; thence in a southwesterly direction to a point 1¼ miles due southwest from the mouth of the river; thence southeastwardly, parallel to the general course of the river, 10 miles; thence in a northeasterly direction, and across said river, 3 miles; thence in a northwesterly direction, parallel to the general course of the river, to the lake; thence in a direct line across the lake to the place of beginning, provided the area does not exceed the quantity of 6 miles square, limited by the treaty.

On the recommendation of this office, November 21, 1892, the Department requested the President to authorize a survey to be made by the surveyor-general of Washington, under the supervision of the Yakama Indian agent, of the tract of land above described, allowing him, however, to make such divergence from the above-described outboundaries as in his judgment the topography of the land might demand, provided that the lines surveyed and marked out when completed should embrace the whole of the land contemplated to be set apart by the

treaty and approximately near the area named therein. This authority was granted by the President November 28, 1892, and the survey is now being made by the surveyor-general of Washington under instructions from the General Land Office.

This action has aroused the fears of the inhabitants for miles around. They have appealed to this office, the Department, and the President to revoke the order and to cancel the contract for the survey; they declare that it is unnecessary and a needless expense; that there are no fish to be had in the waters of the Wenatchee, and that if there were fish in abundance there are no Indians to be benefited by the fishery; also, that the establishment of such a reservation will cut off all intercourse between the residents in the valley and sadly interfere with all means of reaching a market for their products, and will deter emigration to that portion of the State.

It appears that the action taken by the Department in ordering the survey of this tract of land is but the fulfillment of a treaty obligation that has been overlooked or neglected for thirty years, and is but a compliance with the request of the Indians that the provisions of the tenth article of their treaty be carried into effect. I doubt, however, from the formidable protests that have been and are being made against the fulfillment of this treaty obligation, whether it would not have been a more satisfactory course to have given these Indians a money consideration for the relinquishment of their claims to said "fishery," and I am informed that a numerously signed petition is being circulated in the vicinity, to be forwarded to the Department, asking that negotiations be entered into with the Indians for a cession of this land.

In view of the fact that these Indians have not heretofore exercised any rights in the "fishery;" that the privilege is not now needed by the Indians; that the land reserved is being rapidly settled upon; and that the Great Northern Railroad is extending its system in that direction, I respectfully recommend that negotiations be had with the Indians for the cession of all their rights to said tract of land and fishery as set forth in the tenth article of the treaty of June 9, 1855.

## YUMA RESERVATION, CAL.

The right of way granted by the act of February 15, 1893 (27 Stats., 456), to the Colorado River Irrigation Company, for a canal through the Yuma Reservation, rendered available for agricultural purposes lands which would otherwise be of little value, and removed the principal obstacle which had theretofore stood in the way of agricultural pursuits among the Yuma Indians. My predecessor, therefore, by letter of February 14, 1893, recommended that the authority of the President be asked for the allotment of lands in severalty on that reservation, under the provisions of the general allotment act as amended by the act of February 28, 1891 (26 Stats., 794), and for the necessary

resurveys. He also recommended that Special Agent William M. Jenkins be assigned to the work of making the allotments.

The said letter having been returned by Department indorsement of August 2, 1893, for further consideration and recommendation, it has been deemed unadvisable to renew said recommendation until after the irrigating canal shall have been made.

As the cession of a portion of their reservation would promote the construction of the canal and thus further the interests of the Indians, this office by letter dated September 1, 1893, recommended the appointment of a commission of three persons to conduct negotiations with the Yuma Indians for the cession of such portion of their reservation as they may be willing to relinquish.

Very respectfully, your obedient servant,

D. M. BROWNING,
*Commissioner.*

The SECRETARY OF THE INTERIOR.

# ANNUAL REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS.

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## 1894.

WASHINGTON:
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# REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, September 14, 1894.*

SIR: The sixty-third annual report of the Indian Bureau, herewith submitted, aims only to give a résumé of noteworthy events which have occurred in the Indian service during the year and of the work for Indian civilization which has been in progress. No attempt is made to theorize upon the Indian question or to point out a way by which to "solve the Indian problem." It is a plain recital of facts, accompanied by the report of the superintendent of Indian schools and reports of agents and school superintendents, tables giving educational, agricultural, industrial, and financial statistics of general interest, with other information required by law to be embodied in this report.

From all these it will appear that the year has been one unmarked by outbreak or disturbance of any kind, and one in which the steady pressure of earnest work along all lines has produced satisfactory results in general, with an occasional instance of unusual hopefulness and encouragement.

## APPROPRIATIONS.

The amount appropriated for the Indian service by the Indian appropriation act for the fiscal year just begun is less by $663,240.64 than the amount appropriated by the Indian act for the last fiscal year, as far as the actual expenses of the service are concerned, notwithstanding the fact that the aggregate of the act for 1895 is greater than the

aggregate of the act for 1894 by $2,866,245.65, as will appear from the following comparative table:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1894 and 1895.*

| | 1894. | 1895. |
|---|---|---|
| Contingent and other expenses | $195,800.00 | $189,100.00 |
| Treaty obligations with Indian tribes | 3,170,073.10 | 2,936,846.53 |
| Miscellaneous supports, gratuities | 690,125.00 | 663,125.00 |
| Incidental expenses | 121,500.00 | 114,000.00 |
| Miscellaneous expenses | 945,540.00 | 809,785.84 |
| Support of schools | 2,243,482.38 | 2,060,695.00 |
| Trust funds, principal | 30,993.90 | 1,430,916.66 |
| Trust funds, interest | 80,390.00 | 78,320.00 |
| Payment for lands (agreements ratified) | 406,336.00 | 2,467,697.00 |
| Total | 7,884,240.38 | 10,750,486.03 |
| Excess of 1895 over 1894 | | 2,866,245.65 |

While the foregoing table shows the total amount *appropriated* it does not show correctly the amount of the current expenses of the Indian Department for either year. In order to arrive at that, appropriations made for certain special purposes must be considered. The Indian appropriation act is entitled "an act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes." Formerly it was confined with comparative strictness to that object; but of recent years Congress has been in the habit of attaching to this act agreements with various Indian tribes and of ratifying them therein, instead of ratifying them in separate acts, as in former years. This adds to what is called an appropriation for the Indian service large sums which are really payments for lands purchased by the Government primarily for the benefit of its white citizens. In the current appropriation this amounts to $2,467,697, or nearly 23 per cent of the entire sum.

Besides this, there are certain objects appropriated for almost every year, under the head of "Miscellaneous," which, being only occasional and for special purposes, should not properly be considered as a part of the current expenses of the Indian service.

As already stated, the total amount appropriated for 1894 was $7,884,240.38. This amount includes the following items:

| | |
|---|---|
| Purchase of bonds belonging to Delawares | $30,033.90 |
| Payment of Sisseton and Wahpeton scouts | 30,666.66 |
| Payment for Cherokee Outlet | 295,736.00 |
| Payment to Tonkawas for lands | 30,600.00 |
| Payment to Pawnees for lands | 80,960.00 |
| Removal of Eastern Band of Cherokees | 20,000.00 |
| | 487,996.56 |

There are other minor items which might be added to this list, which, being small, are omitted. Deducting the total of these sums from the whole amount appropriated, there remains for the current expenses of the Department for 1894, $7,396,243.82.

For the fiscal year 1895 the total amount appropriated is $10,750,486.03. This includes the following items:

| | |
|---|---|
| Payment of damages to settlers on Crow Creek and Winnebago reservations | $119,119.19 |
| Payment to Yankton tribe for lands | 621,475.00 |
| Payment to Yakama tribe for lands | 20,000.00 |
| Payment to Cœur d'Alénes for lands | 15,000.00 |
| Payment to Siletz Indians for lands | 142,600.00 |
| Payment to Nez Perces for lands | 1,668,622.00 |
| Capitalization of Shawnee funds | 100,000.00 |
| Face value of certain State bonds assumed by United States | 1,330,666.66 |
| | 4,017,482.85 |

Deducting this total from the total amount appropriated, leaves for the current expenses of the Department for the fiscal year 1895, $6,733,003.18.

Comparing the two years, we have:

| | |
|---|---|
| Current expenses for 1894 | $7,396,243.82 |
| Current expenses for 1895 | 6,733,003.18 |
| Difference in favor of 1895 | 663,240.64 |

An analysis of the table presented will show that for every purpose except for payment for lands and trust-fund transactions considerably less is appropriated for 1895 than for 1894. The trust-fund transactions are referred to more at length on page ——.

The estimates for the current expenses for 1895, presented to Congress by this office, amounted to $6,931,756.61; the amount appropriated is $6,733,003.18; which is less than the estimates by $198,753.43. This reduction was largely made at the instance of this office after the regular estimates were submitted.

## EDUCATION.

Educational work among Indians has been carried on during the past year along five lines, as heretofore, viz: nonreservation training schools, reservation boarding schools, and reservation day schools, all under Government control; contract schools, both on and off reservations, under supervision of religious societies; and public schools, belonging to the respective State systems of education.

### ATTENDANCE.

Notwithstanding the fact that last year's appropriations for education were considerably less than the appropriations for the preceding year, the tables submitted herewith show a small aggregate increase in the entire school enrollment, with more than twice as great an increase in the average attendance. Special advancement in this most important direction is highly gratifying, since it is the steady, uninterrupted school work and influence which produce valuable and lasting results. Irregularity of attendance, the bane of schools everywhere, is particularly deplorable among Indian pupils, whose home life usually

runs counter to school discipline and habits; and a short time at home does much to nullify the training received at school.

The aggregate enrollment for the year has been 21,451 pupils, and the average attendance 17,096, being a little over 79 per cent of the enrollment. It is given in detail as follows:

TABLE 2.—*Enrollment and average attendance at Indian schools, 1893 and 1894.*

| Kind of school. | Enrollment. | | Average attendance. | |
|---|---|---|---|---|
| | 1893. | 1894. | 1893. | 1894. |
| Government schools: | | | | |
| Nonreservation training | 4,346 | 4,350 | 3,621 | 3,609 |
| Reservation boarding | 6,780 | 7,631 | 5,447 | 6,140 |
| Day | 3,589 | 3,249 | 2,165 | 2,079 |
| Total | 14,715 | 15,230 | 11,233 | 11,828 |
| Contract schools: | | | | |
| Boarding | 4,182 | 4,048 | 3,449 | 3,507 |
| Day | 616 | 598 | 342 | 428 |
| Boarding, specially appropriated for | 1,327 | 1,281 | 1,113 | 1,152 |
| Total | 6,125 | 5,927 | 4,904 | 5,087 |
| Public day schools | 202 | 226 | 123 | 132 |
| Mission schools not assisted by Government: boarding and day pupils | 75 | 68 | 43 | 49 |
| Aggregate | 21,117 | 21,451 | 16,303 | 17,096 |
| Increase | | 334 | | 793 |

It will be noticed that there has been a large increase in the enrollment at Government boarding schools on reservations amounting to 851, with an increase of 693 in average attendance. This is a gain of 12½ per cent. The 20 training schools have held their own in enrollment with a slight falling off in average attendance.

The falling off in the Government day schools is explained by the closing of three day schools among the Sioux (one merged into the new boarding school under the Standing Rock Agency and two discontinued on the Cheyenne Reservation) and the temporary closing of four day schools among the Eastern Cherokees, which will be reopened this fall.

Contract schools have fallen off in enrollment, as was also the case last year; but have gained in average attendance.

The largest gain anywhere has been at the point where it was most needed and least expected, viz, among the Navajoes. The Navajo school opened in September with 15 pupils, and closed in June with 197. Parents brought their children voluntarily; many were refused admission because they could not possibly be accommodated, and some were turned away crying. It was an overwhelming increase of 100 per cent, and like an unprepared-for mountain freshet was quite as likely to do harm as good. Delight and dismay combined. Fortunately the risky experiment of crowding that number of children into buildings, which will properly provide for less than 150, had no untoward result; but it is too hazardous to be repeated. All sitting rooms and play rooms were converted into school rooms and dormitories, and then the boys slept

three, four, and five in a bed. The Government has for years appealed to the Navajoes to send their children to school; it should now with alacrity heed their appeal for schools to which to send them, and should furnish new buildings and equipments at once; 3,850 out of 4,000 Navajo children are yet to be provided for.

One small attempt was made to retain the enthusiasm and relieve the pressure by establishing a day school in a remote part of the reservation. Unfortunately the restriction that a day-school building must cost not over $1,000 was found to be an insuperable obstacle. In many localities this sum would be sufficient, but in a country where everything must be transported long distances from any railroads the amount is entirely inadequate.

This awakening of the Navajoes is largely ascribed to a visit made to the Chicago Exposition by a party of fifteen of their representative men. The trip was worked up by Lieut. Plummer, acting agent, funds for the purpose being furnished by the Indian Rights Association. The delegation returned amazed at what they had seen, eager to relate it to the tribe, and anxious to put their new ideas into practice. A few specimen extracts from some of their formal reports to their friends are well worth quoting:

We thought when we got back we could tell the children what we saw at the fair. That is what the agent took us there for. When we started from home we saw farms all the way. They don't lay around in the sun. There lots of white people work all the time for a living. I never dreamed of what I saw there. Now I have seen it. Coming back I never slept for thinking of it. You should let your children go to school. No difference how much you love them, better let them go to school.

I have wished a thousand times since I came back that I was a boy so I could put myself in school. I have put two children in, and a neighbor has put one in.

The headmen were ashamed of their hogans after seeing the houses the white men lived in. I have told the people that after we traveled for a night and a day, the white people were taking care of the earth all the way. Look at our country; we ought to be ashamed of it. Look at the difference.

The white people are like ants, industrious, working all the time; they are thick, coming and going all the time. Before, we thought the agent told lie when he told us how many white people there are. All believe now because so many of us saw. To see the progress of the white man, like the corn growing from the seed fast in one season. Old things are like the seed. From the old to the new is like from the carita [Mexican cart with wheels of solid wood] to a Studebaker wagon.

We saw nice trains on the road, but a fine one at the fair. Indians not fit to ride in it. It seems that other tribes are ahead of the Navajoes. When I saw the big guns I told the medicine men what did they mean by telling the young men that they could protect the Navajoes against all the whites. Two white men with one of these guns could whip all the Navajo tribe.

I was asked by an ignorant Indian from Cotton Weed Wash if there were more white men than Navajoes. I showed him the dust and grass, and told him I could just as soon try to count the white people; that they lived on the water as well as on the land. Then he sat down and wanted me tell him all I saw. I told him I could not if I talked till I was gray.

The following table shows the increase in average attendance of Indian pupils during a series of years:

TABLE 3.—*Number of Indian schools and average attendance from 1877 to 1894.*

| Year. | Boarding schools. | | Day schools.* | | Totals. | |
|---|---|---|---|---|---|---|
| | Number. | Average attendance. | Number. | Average attendance. | Number. | Average attendance. |
| 1877 | 48 | ..... | 83 | ..... | 131 | 3,508 |
| 1878 | 49 | ..... | 119 | ..... | 168 | 4,142 |
| 1879 | 52 | ..... | 107 | ..... | 159 | 4,488 |
| 1880 | 60 | ..... | 109 | ..... | 169 | 4,651 |
| 1881 | 68 | 3,888 | 106 | 4,221 | 174 | 4,976 |
| 1882 | 71 | 2,755 | 54 | 1,311 | 125 | 4,066 |
| 1883 | 75 | 2,599 | 64 | 1,443 | 139 | 4,042 |
| 1884 | 86 | 4,358 | 76 | 1,757 | 162 | 6,115 |
| 1885 | 114 | 6,201 | 86 | 1,942 | 200 | 8,143 |
| 1886 | 115 | 7,260 | 99 | 2,370 | 214 | 9,630 |
| 1887 | 117 | 8,020 | 110 | 2,500 | 227 | 10,520 |
| 1888 | 126 | 8,705 | 107 | 2,715 | 233 | 11,420 |
| 1889 | 136 | 9,146 | 103 | 2,406 | 239 | 11,552 |
| 1890 | 140 | 9,865 | 106 | 2,367 | 246 | 12,232 |
| 1891 | 146 | 11,425 | 110 | 2,163 | 256 | 13,588 |
| 1892 | 149 | 12,422 | 126 | 2,745 | 275 | 15,167 |
| 1893 | 156 | 13,635 | 119 | 2,668 | 275 | 16,303 |
| 1894 | 157 | 14,457 | †115 | 2,639 | 272 | 17,096 |

*Public schools attended by Indian children included in the average attendance but not in the number of schools.

†This does not include four Eastern Cherokee schools discontinued during the past year, but to be resumed this year.

## COMPULSORY ATTENDANCE.

The course outlined in my last report relative to obtaining pupils for nonreservation schools only with the voluntary consent of their parents or near relatives has been strictly adhered to. No children have been forced to attend schools away from their reservation homes.

This policy, adopted by the office last year, was enacted into law by Congress at its last session in the following item of the Indian appropriation act:

SEC. 11. That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employé of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation.

The effect of this policy, which is well understood among all the Indians, has been only salutary, and the result which was anticipated, viz, that it would ultimately increase the attendance at nonreservation schools, has already begun to be realized. The report of the superintendent of Haskell Institute at Lawrence, Kans., contains the following:

With a capacity of 500 there has been an average attendance for the year of 490½. Formerly a very large percentage of our pupils came from the Oneidas of Wisconsin,

the Sioux of Dakota, the Indians of Michigan, and from various other points at a distance, while during the past year we have been expected to draw from Kansas and the Indian Territory only. There are many discouraging features in the collection of pupils for nonreservation schools; but as they grow older and their reputation, as in the case of Haskell, spreads, the number of applications from Indian youth at various agencies for entry materially increases. It is somewhat remarkable, as well as encouraging, to note that during the month of June 37 new pupils arrived, unaccompanied by escort and without solicitation.

Of course, upon reservations the knowledge on the part of the Indians that rations can be withheld quickens the interest of ignorant or careless parents in school attendance. But even then the chief motor power is ceaseless moral suasion on the part of the agents, superintendents, missionaries, and all connected, officially or otherwise, with the business of Indian civilization.

## NEW WORK.

*Schools.*—The three new boarding schools which my last report stated were ready for opening with the new school year have been successfully maintained at Round Valley, Cal.; Grand River, Standing Rock Reservation, N. Dak.; and Rainy Mountain, Kiowa Reservation, Okla. A much-needed boarding school among the White Mountain Apaches has been substituted for the day school at that far-off point. After being closed for two years, owing to the burning of its buildings, the boarding school at Fort Peck Agency was reopened last March in the buildings vacated during the past year by the Fort Peck military post. These buildings can easily be made to accommodate 150 pupils. Their old-time interest in schools was immediately manifested by the Fort Peck Indians by promptly running the enrollment up to 132. Two new day schools have been opened among the Moquis Apaches, one among the Mission Indians in California, four among the Sioux at Pine Ridge, and three among the Rosebud Sioux.

A few day schools have been discontinued because boarding schools were substituted, or because, for other reasons, they were not needed.

*Buildings.*—The burned Winnebago buildings have been rebuilt and occupied. The Albuquerque, Grand Junction, Fort Totten, Mount Pleasant, Mescalero, Rainy Mountain, Seger Colony, Crow Creek, and Hoopa Valley schools have been given important additions to their respective plants. At Pine Ridge 11 day school buildings for recitations and 12 industrial cottages, to be occupied by teachers, have been completed or are now in course of construction. Three such school buildings and cottages are under way at Rosebud. Some of these are for new schools to be opened this coming fall, but most of them are to replace wretched, makeshift buildings, which had been utilized and made to hold together while the experiment of establishing camp schools in the respective districts was being put to the test. Arrangements are in progress for putting up buildings in which new boarding schools shall be established at Fort Berthold and Lac du Flambeau; for replacing

the worn-out building at Lower Brulé with a new plant; for replacing building burned at Neah Bay; for making additions to the Menomonee and Seneca schools; and for giving the Walker River day school a building which will afford decent facilities for school work, something which it has not had hitherto.

## NEEDS.

The Jicarilla Apaches and Southern Utes have no schools of any kind on their reservations. They could send their children to the not distant training schools at Grand Junction and Fort Lewis, Colo., and Albuquerque and Santa Fé, N. Mex., but they are very averse to doing so, and moreover the civilizing object-lesson influence of a school in their midst is one of their greatest needs. The immediate and extraordinary needs of the Navajoes have already been spoken of. The Rosebud Sioux are still without any boarding school whatever. Some of the La Pointe Agency reservations besides Lac du Flambeau ought to have boarding schools. This subject is taken up again under the next heading.

The buildings at Fort Stevenson and Pine Ridge, as well as Neah Bay, which have been burned during the year must be replaced. Enlargement or improvement of buildings, or both, are called for almost everywhere, and this takes no account of repairs which, upon hundreds of buildings subject to the hard usage of children, must be extensive, expensive, and continuous.

Among the crying needs throughout the Indian school service are improved sewerage and water supplies. Only a few schools are able to report good hygienic conditions as to sewerage, or as to sufficient water supply for domestic use and protection against fire, and, when it is needed, for irrigation. Such defects are serious, and usually can not be remedied without a considerable expense at the outset; but the expense would undoubtedly prove economy in the end, even without taking into account the incalculable value of human health and life.

## SCHOOL APPROPRIATIONS.

As stated in my last annual report, my estimate for school appropriations for the current fiscal year were less by $83,897 than the appropriation for the preceding year. Those estimates had been prepared with utmost care and included only absolutely necessary items, and I said: "In my opinion, any reduction in the amounts asked for will to just that extent reduce the efficiency of the service and retard its progress." Congress, however, saw fit to reduce the appropriation below the estimate. I shall do what I can to carry on and improve the school service just so far as the appropriation will allow.

The following is a table of school appropriations for a series of years:

TABLE 4.—*Annual appropriations made by the Government since the fiscal year 1877 for the support of Indian schools.*

| Year. | Appropriation. | Per cent increase. | Year. | Appropriation. | Per cent increase. |
|---|---|---|---|---|---|
| 1877 | $20,000 | | 1887 | $1,211,415 | 10 |
| 1878 | 30,000 | 50 | 1888 | 1,179,916 | *2.6 |
| 1879 | 60,000 | 100 | 1889 | 1,348,015 | 14 |
| 1880 | 75,000 | 25 | 1890 | 1,364,568 | 1 |
| 1881 | 75,000 | | 1891 | 1,842,770 | 35 |
| 1882 | 135,000 | 80 | 1892 | 2,291,650 | 24.3 |
| 1883 | 487,200 | 260 | 1893 | 2,315,612 | 0.9 |
| 1884 | 675,200 | 38 | 1894 | 2,243,497 | *3.5 |
| 1885 | 992,800 | 47 | 1895 | 2,060,695 | *8.87 |
| 1886 | 1,100,065 | 10 | | | |

* Decrease.

It could not reasonably be expected that appropriations for Indian schools would continue to increase indefinitely; and to maintain a school plant of course does not cost so much as to establish it. But the Indian school plant is not yet fully established. There are gaps and omissions in all directions. For instance, at several agencies the school accommodations of all kinds are 50 per cent, or less than that of the school population, as follows:

| | Per cent. |
|---|---|
| Colorado River, Ariz | 50 |
| Tongue River, Mont | 50 |
| Uintah and Ouray, Utah | 47 |
| Eastern Cherokees, N. C | 44 |
| Western Shoshone, Nev | 41 |
| Nevada, Nev | 41 |
| Moquis, Ariz | 30 |
| Pima and Papago, Ariz | 30 |
| San Carlos, Ariz | 25 |
| Navajoes, Ariz | 04 |
| Jicarilla, N. Mex | 0 |
| Southern Ute, Colo | 0 |

Many other tribes have but little over 50 per cent of their children provided for.

## TEACHERS' INSTITUTES.

A series of five institutes for workers in Indian schools has been held during the past summer at Chilocco, Okla.; Santa Fé, N. Mex.; Salem, Oreg.; Helena, Mont.; and St. Paul, Minn. They continued for one week each, and were arranged and conducted by the superintendent of Indian schools, assisted by school superintendents and employés in the field, and others. Details as to these institutes, which proved to be of great interest and value, will be found in the report of the superintendent of Indian schools, on page —.

Many other subjects of interest and importance connected with the Indian school service, plans for its advancement in the future, with

information as to its condition and needs as found during his tour of personal observation, are discussed by Supt. Hailman in his report, to which I invite careful attention.

### SCHOOL COMMITTEES AMONG INDIANS.

The attempt to interest Indians in securing the attendance of their children at school and to obtain their active cooperation in putting and keeping them there is showing good results. In the Seger colony, Oklahoma, it has been particularly effective, and Supt. Seger's annual report contains the following description of the methods pursued and the success attained:

> Early in the year word was given out that there would be chosen five Indians to serve as a school committee with whom the superintendent would counsel in regard to the school matters, and who would be required to visit the school and inspect and thoroughly acquaint themselves with the teaching and treatment their children were receiving. The duties laid out for them were numerous and varied. I had some misgivings as to whether there would be found good men who would be willing to serve on this committee, as there was no pay connected with it. Yet when word was given out that the Indians should nominate a number of men from whom would be chosen the five required, and when the nominations were handed in, it was found that there were so many good men named that it was no trouble to choose the five suited for the place. To this school committee is due much of the satisfaction, harmony, and cordiality, and through it regular attendance has been maintained all through the school year.

In this connection I append another extract from that report showing how this remote camp boarding school is identifying itself with the interests of the white community which is rapidly approaching it.

> Last October the school made an exhibit at the district fair at El Reno, Okla., 60 miles from this school. The exhibit took twelve premiums and diplomas, $36 in cash premiums, the most important of which was a $25 premium on the best collection of home products. This was taken not in competition with other Indians and schools, but with the surrounding country. We also took two premiums on brood mares and one on a colt. When the fair delegation came home with the blue and pink ribbons and the diplomas the children displayed as much enthusiasm as white children; and why not?

### LOCATION AND CAPACITY OF GOVERNMENT SCHOOLS.

The following tables show in detail the location, capacity, and attendance of nonreservation training schools; the location, capacity, and date of establishing the various Government reservation boarding schools, and the location and capacity of Government day schools:

TABLE 5.—*Location, average attendance, capacity, etc., of nonreservation training schools during the fiscal year ended June 30, 1894.*

| Name of school. | Date of opening. | Number of employés. | Rate per annum. | Capacity. | Enrollment. | Average attendance. |
|---|---|---|---|---|---|---|
| Carlisle, Pa | Nov. 1, 1879 | 70 | $167.00 | *800 | 723 | 656 |
| Chemawa, Oreg | Feb. 25, 1880 | 26 | 175.00 | 300 | 250 | 220 |
| Fort Stevenson, N. Dak | Dec. 18, 1883 | 24 | ..... | 150 | 130 | 128 |
| Chilocco, Okla | Jan. 15, 1884 | 44 | 167.00 | 350 | 279 | 250 |
| Genoa, Nebr | Feb. 20, 1884 | 43 | 167.00 | 400 | 349 | 257 |
| Albuquerque, N. Mex | Aug. —, 1884 | 58 | 175.00 | 300 | 290 | 256 |
| Haskell, Kans | Sept. 1, 1884 | 46 | 167.00 | 500 | 570 | 485 |
| Grand Junction, Colo | ——, 1886 | 13 | 175.00 | 130 | 110 | 99 |
| Santa Fé, N. Mex | Oct. —, 1890 | 24 | 175.00 | †175 | 152 | ‡76 |
| Fort Mojave, Ariz | Oct. —, 1890 | 14 | 167.00 | 150 | 143 | 135 |
| Carson, Nev | Dec. —, 1890 | 22 | 175.00 | 150 | 107 | 77 |
| Pierre, S. Dak | Feb. —, 1891 | 20 | 167.00 | 180 | 133 | 102 |
| Phœnix, Ariz | Sept. —, 1891 | 27 | 175.00 | 150 | 157 | 132 |
| Fort Lewis, Colo | Mar. —, 1892 | 40 | ..... | 300 | 135 | 120 |
| Fort Shaw, Mont | Dec. 27, 1892 | 31 | ..... | 250 | 233 | 194 |
| Perris, Cal | Jan. 9, 1893 | 14 | 167.00 | 125 | 120 | 90 |
| Flandreau, S. Dak | Mar. 7, 1893 | 13 | ..... | 150 | 110 | 91 |
| Pipestone, Minn | Feb. —, 1893 | 9 | 167.00 | 75 | 72 | 61 |
| Mount Pleasant, Mich | Jan. 3, 1893 | 28 | 167.00 | 160 | 178 | 113 |
| Tomah, Wis | Jan. 19, 1893 | 10 | 167.00 | 125 | 109 | 67 |
| Total | | | | 4,920 | 4,350 | 3,609 |

* With outing system.
† When new hospital building is provided.
‡ Average from July 1 to September 30, 1893. The school was then suspended, and reopened March 1, 1894.

TABLE 6.—*Location, capacity, and date of opening of Government reservation boarding schools.*

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| Arizona: | | | |
| Colorado River | 100 | Mar., 1879 | |
| Keam's Canyon | 100 | ——, 1887 | |
| Navajo Agency | 100 | Dec., 1881 | |
| Pima | 150 | Sept., 1881 | |
| San Carlos | 100 | Oct., 1880 | |
| White Mountain Apache | 50 | Feb., 1894 | |
| California: | | | |
| Fort Yuma | 250 | Apr., 1884 | |
| Hoopa | 75 | Jan. 21, 1893 | |
| Round Valley | 30 | Sept. 12, 1893 | |
| Idaho: | | | |
| Fort Hall | 200 | ——, 1874 | |
| Fort Lapwai | 200 | Sept., 1886 | |
| Lemhi | 40 | Sept., 1885 | |
| Indian Territory: | | | |
| Quapaw | 110 | Sept., 1872 | |
| Seneca, Shawnee, and Wyandotte | 125 | June, 1872 | Begun by Friends as orphan asylum 1867, under contract with tribe. |
| Kansas: | | | |
| Kickapoo | *30 | Oct., 1871 | |
| Pottawatomie | 75 | ——, 1873 | |
| Sac and Fox and Iowa | 50 | ——, 1871<br>Sept., 1875 | Iowa.<br>Sac and Fox. |
| Minnesota: | | | |
| Leech Lake | 50 | Nov., 1867 | |
| Pine Point | 60 | Mar., 1892 | Prior to this date a contract school opened in November, 1888. |
| Red Lake | 50 | Nov., 1877 | |
| White Earth | 110 | ——, 1871 | |
| Wild Rice River | 60 | Mar., 1892 | Prior to this date a contract school opened in November, 1888. |
| Montana: | | | |
| Blackfeet | 110 | Jan., 1883 | |
| Crow | 100 | Oct., 1884 | |
| Fort Belknap | 110 | Aug., 1891 | |
| Fort Peck | 150 | Aug., 1881 | Buildings burned November, 1891, and September, 1892, reopened March, 1894. |
| Nebraska: | | | |
| Omaha | 80 | ——, 1881 | |
| Santee | †100 | Apr., 1874 | |
| Winnebago | 80 | Oct., 1874 | |

* Also 40 day pupils. † Also 20 day pupils.

TABLE 6.—*Location, capacity, etc., of Government reservation boarding schools*—Cont'd.

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| **Nevada:** | | | |
| Pyramid Lake | 80 | Nov., 1882 | |
| Western Shoshone | 50 | Feb. 11, 1893 | Previously a semi-boarding school. |
| **New Mexico:** | | | |
| Mescalero | 50 | Apr., 1884 | |
| **North Dakota:** | | | |
| Fort Totten | 425 | ——, 1874<br>Jan., 1891 | At agency.<br>At Fort Totten. |
| Standing Rock, agency | 110 | May, 1877 | |
| Standing Rock, agricultural | 100 | ——, 1878 | |
| Standing Rock, Grand River | 100 | Nov., 1893 | |
| **North Carolina:** | | | |
| Eastern Cherokee | 100 | Jan. 1, 1893 | Prior to this date a contract school opened in 1885. |
| **Oklahoma:** | | | |
| Absentee Shawnee | 70 | May, 1872 | |
| Arapaho | 110 | Dec., 1875 | Started under the auspices of the Friends in 1872. |
| Cheyenne | 200 | ——, 1879 | |
| Fort Sill | 125 | Aug., 1891 | |
| Kaw | 60 | Dec., 1869<br>Aug., 1874 | In Kansas.<br>In Indian Territory. |
| Osage | 160 | Feb., 1874 | |
| Otoe | 75 | Oct., 1875 | In Nebraska. |
| Pawnee | 125 | ——, 1865<br>——, 1878 | Do.<br>In Indian Territory. |
| Ponca | 100 | Jan., 1882 | |
| Rainy Mountain | 50 | Sept., 1893 | |
| Riverside (Wichita) | 60 | Sept., 1871 | |
| Sac and Fox | 100 | ——, 1868<br>Apr., 1872 | In Kansas.<br>In Indian Territory. |
| Seger Colony | 60 | Jan. 11, 1893 | |
| Washita (Kiowa) | 150 | Feb., 1871 | |
| **Oregon:** | | | |
| Grande Ronde | *70 | Apr., 1874 | |
| Klamath | 125 | Feb., 1874 | |
| Siletz | 90 | Oct., 1873 | |
| Simnasho | 75 | Aug., 1882 | |
| Umatilla | 100 | Jan., 1883 | |
| Warm Springs | 60 | June, 1884 | |
| Yainax | 90 | Nov., 1882 | |
| **South Dakota:** | | | |
| Fort Bennett | 50 | Jan., 1874<br>——, 1880 | Girls' school.<br>Boys' school. |
| Forest City | 120 | Apr. 1, 1893 | |
| Crow Creek | 135 | ——, 1874 | |
| Lower Brulé | 70 | Oct., 1881 | |
| Pine Ridge | 200 | Dec., 1883 | |
| Sisseton | 125 | ——, 1873 | |
| Yankton | 125 | Feb., 1882 | |
| **Utah:** | | | |
| Ouray | 80 | Apr., 1893 | |
| Uintah | 80 | Jan. 1881 | |
| **Washington:** | | | |
| Neah Bay | 75 | July, 1868 | |
| Chehalis | 60 | Jan., 1873 | |
| Okanagan | 75 | ——, 1890 | |
| Puyallup | 150 | June, 1871 | |
| Quinaielt | 40 | ——, 1868 | |
| S'Kokomish | 60 | Dec., 1866 | |
| Yakima | 130 | ——, 1860 | |
| **Wisconsin:** | | | |
| Menomonee | 125 | ——, 1876 | |
| Oneida | 80 | Mar. 27, 1893 | |
| **Wyoming:** | | | |
| Shoshone | 150 | Apr., 1879 | |
| Total | 7,845 | | |

*Also 40 day pupils.

TABLE 7.—*Location and capacity of Government day schools, June 30, 1894.*

| | Capacity. |
|---|---|
| Arizona: | |
| Moqui Reservation— | |
| Oreiba | 40 |
| Polacca | 50 |
| California: | |
| Big Pine * | 35 |
| Bishop * | 40 |
| Manchester * | 30 |
| Mission, 9 schools | 283 |
| Potter Valley * | 50 |
| Ukiah * | 40 |
| Upper Lake * | 45 |
| Indian Territory: | |
| Peoria | 25 |
| Iowa: | |
| Sac and Fox | 40 |
| Michigan: | |
| Baraga | 50 |
| L'Anse | 30 |
| Minnesota: | |
| Birch Cooley | 36 |
| Montana: | |
| Tongue River | 30 |
| Nevada: | |
| Wadsworth | 30 |
| Walker River | 30 |
| New Mexico: | |
| Pueblo— | |
| Cochiti | 30 |
| Laguna | 40 |
| Santa Clara | 30 |
| Zia | 35 |
| North Carolina: | |
| Eastern Cherokee, 4 schools † | 167 |
| North Dakota: | |
| Devils Lake, Turtle Mountain, 3 schools | 150 |
| Standing Rock, 5 schools | 180 |
| Oklahoma: | |
| Ponca, etc., Oakland | 20 |
| Oregon: | |
| Hot Creek | 25 |
| South Dakota: | |
| Forest City, 4 schools | 100 |
| Pine Ridge, 24 schools | 820 |
| Rosebud, 18 schools | 619 |
| Washigton: | |
| Lummi | 50 |
| Neah Bay, Quillehute | 60 |
| Puyallup— | |
| Jamestown * | 30 |
| Port Gamble * | 24 |
| Wisconsin: | |
| Green Bay, 4 schools | 224 |
| La Pointe, 7 schools | 246 |
| Total capacity | 3,734 |
| Total number of schools | ‡100 |

* Not on reservation.
† These schools were suspended during the year.
‡ The four Eastern Cherokee schools are not included.

## PUBLIC SCHOOLS.

The placing of Indian children in public schools of the States in which their homes are located has made some advance during the year, but not so great as I hoped for. The present status of this attempt to

run Indian schooling into the regular educational channels of the country is shown by the following table:

TABLE 8.—*Public schools at which Indian pupils were placed under contract with th Indian Bureau during the fiscal year ending June 30, 1894.*

| | Pupils. |
|---|---|
| California: | |
| Helm | 13 |
| Meadow View | 11 |
| Round Valley | 30 |
| Minnesota: | |
| School District No. 4 | 6 |
| School District No. 7 (independent) | 3 |
| Nebraska: | |
| Plum Valley District | 5 |
| School District No. 1 | 15 |
| School District No. 3 | 1 |
| School District No. 36 | 8 |
| Oklahoma: | |
| School District No. 18 | 18 |
| School District No. 29 | 8 |
| School District No. 30½ | 8 |
| School District No. 47 | 4 |
| School District No. 58 | 3 |
| School District No. 71 | 3 |
| School District No. 74 | 10 |
| Oklahoma—Continued. | Pupils. |
| School District No. 77 | 13 |
| School District No. 82 | 8 |
| School District No. 83 | 2 |
| School District No. 90 | 2 |
| Oregon: | |
| District No. 32 | 3 |
| South Dakota: | |
| Bad River District, Stanley County | 12 |
| Utah: | |
| District No. 12, Box Elder County | 40 |
| Washington: | |
| District No. 10, Pierce County | 1 |
| District No. 53, Skagit County | 8 |
| District No. 87, King County | 12 |
| Wisconsin: | |
| Town of Ashland | 12 |
| Total | 259 |

The strange language and the uncouth customs—barriers which the public schools are intended to break down—are the very obstacles which prevent the entrance of the naturally shy and usually poorly fed and meagerly clad Indian child into a public school. The need of special schools for Indian youth in which they shall have specially adapted help for becoming assimilated in thought and habits with their inexorable civilized surroundings will continue many years. But there are small groups of Indians scattered all over the country for whom no such schools can be provided. Moreover, the ultimate end of "absorbing" our small Indian population into our school system, as well as our civil polity, must be kept constantly in view and every effort made, by pressure and persuasion, to increase the attendance of Indian pupils at public schools.

So far as this office is concerned, the persuasion consists largely in offering to every public school district which has Indian children within its limits the sum of $10 per pupil per quarter for all Indian children actually attending the school, such compensation to be computed on their average attendance. The terms are as follows:

The party of the second part [the school district] for and in consideration of the compensation herinafter named, agrees:

To admit to the public school maintained at public expense in school district named ——— during the fiscal year ending June 30, 1895, ——Indian pupils, which Indian pupils shall be entitled to all the privileges of white pupils attending said school.

To instruct such Indian pupils in classes with the white children (except as provided hereinafter) in the common English branches, giving to each of said Indian pupils the same care and attention in matter and methods of instruction as is given to the white pupils in said classes and school.

To maintain a separate primary class in case five or more Indian pupils enter the school at one time, all of whom are ignorant of the English language, in which instruction shall be given at least forty minutes of each day with special reference to teaching them to converse in English. The Indian pupils to be advanced to classes containing white children as soon as their knowledge of English makes their instruction with white children practicable.

To supply the said pupils with all schoolbooks, slates, slate pencils, lead pencils, pens, ink, paper, school appliances, and other articles necessary and usually found in a properly conducted public school among the whites.

To protect the pupils included in this contract from ridicule, insult, and other improper conduct at the hands of their fellow-pupils, and to encourage them in every reasonable manner to attend school exercises punctually, regularly, and to perform their duties with the same degree of interest and industry as their fellow-pupils, the children of white citizens.

To report concerning the attendance and progress of said pupils and upon blank forms to be furnished by the party of the first part.

To enroll as pupils under this contract no Indian pupils under 5 or over 21 years of age, and no mixed bloods whose parents, or either of them, are owners of taxable real estate in the district aforesaid or in the State or Territory in which the school named herein is situated, except by special permission of the Commissioner of Indian Affairs.

This gives to school districts in sparsely settled communities encouragement to open and substantial help in supporting their schools, and insures to their Indian element a welcome into public school life which it might otherwise miss.

In order to give wider publicity to this matter and especially to enlist the interest and assistance of State school officers in furthering it, I addressed the following letter on the 4th of May last to the superintendents of public instruction in the States where Indian tribes are found:

In its efforts to civilize the Indians and to assimilate them with the white population of the United States in habits of industry, thrift and self-reliance, the Indian Office has found that no agency produces gratifying results more speedily than the public schools to which children of Indians have been admitted, and where they have been educated in company with the children of their white neighbors. It is to be noted furthermore that, in accordance with all reports on the subject, the presence of children of Indian parentage in public schools in no case has operated as a hindrance or injury to the respective schools.

It is, consequently, the desire and hope of the Indian Office that the public schools of the States and Territories inhabited partly by Indians may open their doors more and more freely to these docile and intelligent wards of the nation, and as a step in this direction the Indian Office would solicit your active cooperation in its efforts to bring about this desirable condition.

The Indian Office is prepared to enter into contract with the trustees of public district schools, as well as with the trustees of public schools of the towns and cities, for the instruction of Indian children, under suitable conditions, and will agree to pay for such instructions $10 per quarter of three months for every Indian child in actual attendance at such schools.

I would respectfully ask you to bring this matter to the notice of school authorities in your State, with such words of encouragement as you may deem proper. At the same time, the Superintendent of Indian Schools at Washington, D. C., is ready to correspond further with you upon this subject and to furnish you whatever data he may possess.

Applications for contracts by trustees of public schools should be addressed to this office. They should state the number of children for which contract is desired, the average number of children attending the school, and the number of teachers employed in the school, and should be accompanied, if possible, with a printed or written copy of the course of study pursued in the school.

Many cordial replies have been received, indicating a readiness on the part of the State school officials to cooperate with this office in putting Indian youth into public schools, and the matter will be pushed vigorously during the coming school year. This subject is referred to by the Superintendent of Indian Schools, on pages —— and ——, of his annual report.

## GOVERNMENT AID TO CONTRACT SCHOOLS.

The amount set apart for the current fiscal year for contract schools is shown in detail in the following table; also the amount set apart for the previous year:

TABLE 9.—*Schools for Indians conducted under contract, with number of pupils contracted for, rate per capita per annum, and total amounts required for fiscal years ending June 30, 1894, and June 30, 1895.*

| Location of school. | Rate per capita per annum. | 1894. | | 1895. | |
|---|---|---|---|---|---|
| | | Number allowed. | Amount required. | Number allowed. | Amount required. |
| Avoca boarding, Minnesota | $108 | 35 | $3,780 | ..... | ..... |
| Baraga, Michigan (Chippewa boarding) | 108 | 50 | 5,400 | 45 | $4,860 |
| Bayfield boarding, Wisconsin | 125 | 30 | 3,750 | 30 | 3,750 |
| Bernalillo boarding, N Mex | 125 | 60 | 7,500 | 60 | 7,500 |
| California: | | | | | |
| Hopland day | 30 | 20 | 600 | 20 | 600 |
| St. Turibius day | *30 | 20 | 600 | 30 | *3,240 |
| Ukiah day | 30 | 20 | 600 | 20 | 600 |
| Pinole day | 30 | 20 | 600 | 20 | 600 |
| Colville Agency, Wash.: | | | | | |
| Colville boarding | *108 | 65 | 7,020 | 65 | 7,020 |
| Cœur d'Aléne boarding | 108 | 70 | 7,560 | 70 | 7,560 |
| Crow Creek Agency, S. Dak.: | | | | | |
| Immaculate Conception boarding | 108 | 95 | 10,260 | 60 | 6,480 |
| Crow Agency, Mont.: | | | | | |
| St. Xavier's Mission boarding | 108 | 105 | 11,340 | 85 | 9,180 |
| Devils Lake Agency, N. Dak.: | | | | | |
| St. Mary's boarding, Turtle Mountain | 108 | 130 | 14,040 | 130 | 14,040 |
| Fort Belknap Agency, Mont.: | | | | | |
| St. Paul's boarding | 108 | 150 | 16,200 | 135 | 14,580 |
| Graceville boarding, Minnesota | 108 | 50 | 5,400 | 50 | 5,400 |
| Green Bay Agency, Wis.: | | | | | |
| St. Joseph's boarding | 108 | 130 | 14,040 | 130 | 14,040 |
| Harbor Springs boarding, Michigan | 108 | 95 | 10,260 | 95 | 10,260 |
| La Pointe Agency, Wis.: | | | | | |
| Red Cliff day | 30 | 30 | 900 | 30 | 900 |
| Bad River day | 30 | 20 | 600 | 15 | 450 |
| Bayfield day | 30 | 30 | 900 | 30 | 900 |
| Lac Court d'Oreilles day | 30 | 40 | 1,200 | 40 | 1,200 |
| St. Mary's boarding | 108 | 50 | 5,400 | 50 | 5,400 |
| Morris boarding, Minn | 108 | 90 | 9,720 | 80 | 8,640 |
| North Yakima boarding, Wash | 108 | 50 | 5,400 | 35 | 3,780 |
| Osage Agency, Okla.: | | | | | |
| Pawhuska boarding | 125 | 50 | 6,250 | 50 | 6,250 |
| Hominy Creek boarding | 125 | 40 | 5,000 | 40 | 5,000 |
| Pine Ridge Agency: | | | | | |
| Holy Rosary boarding | 108 | 125 | 13,500 | 140 | 15,120 |
| Holy Rosary boarding (supplemental) | 108 | 50 | 5,400 | ..... | ..... |
| Pueblo Agency, N. Mex.: | | | | | |
| Acoma day | 30 | 25 | 750 | 25 | 750 |
| Isleta day | 30 | 30 | 900 | 30 | 900 |
| Laguna day (Pahuate) | 30 | 25 | 750 | 25 | 750 |

* In 1894 this was made a boarding school and $108 per pupil allowed instead of $30.

TABLE 9.—*Schools for Indians conducted under contract, etc.*—Continued.

| Location of school. | Rate per capita per annum. | 1894. Number allowed. | 1894. Amount required. | 1895. Number allowed. | 1895. Amount required. |
|---|---|---|---|---|---|
| Pueblo Agency, N. Mex.—Continued. | | | | | |
| Jemez day | $30 | 35 | $1,050 | 35 | $1,050 |
| San Juan day | 30 | 22 | 660 | 22 | 660 |
| Santo Domingo day | 30 | 25 | 750 | 25 | 750 |
| Taos day | 30 | 20 | 600 | 20 | 600 |
| Rosebud Agency, S. Dak.: | | | | | |
| St. Francis boarding | 108 | 95 | 10,260 | 95 | 10,260 |
| San Diego boarding, California | 125 | 95 | 11,875 | 95 | 11,875 |
| Sac and Fox Agency, Okla.: | | | | | |
| Sacred Heart boarding | 108 | 50 | 5,400 | 40 | 4,320 |
| St. Peter's Mission boarding, Montana | 108 | 180 | 19,440 | 180 | 19,440 |
| St. Catherine's boarding, Santa Fe, N. Mex | 125 | 100 | 12,500 | ..... | ..... |
| Shoshone Agency, Wyo.: | | | | | |
| St. Stephen's boarding | 108 | 75 | 8,100 | 65 | 7,020 |
| Tongue River Agency, Mont.: | | | | | |
| St. Labre's boarding | 108 | 40 | 4,320 | 40 | 4,320 |
| Tulalip Agency, Wash.: | | | | | |
| Tulalip boarding | 108 | 100 | 10,800 | 100 | 10,800 |
| White Earth Agency, Minn.: | | | | | |
| St. Benedict's orphan boarding | 108 | 90 | 9,720 | 90 | 9,720 |
| Red Lake boarding | 108 | 40 | 4,320 | 40 | 4,320 |
| Crow Reservation, Mont.: | | | | | |
| Montana Industrial boarding | 108 | 50 | 5,400 | 50 | 5,400 |
| Crow Creek Agency, S. Dak.: | | | | | |
| Grace Howard Mission Home | ..... | 30 | 3,000 | 30 | 3,000 |
| Greenville boarding, California | †75 | 40 | 1,800 | 40 | †4,320 |
| Greenville day, California | 30 | 20 | 240 | ..... | ..... |
| Halstead boarding, Kansas | 125 | 30 | 3,750 | 30 | 3,750 |
| Omaha Reservation, Nebr.: | | | | | |
| Mission boarding | 108 | 45 | 4,860 | ..... | ..... |
| Plum Creek boarding, Leslie, S. Dak | 108 | 25 | 2,700 | 15 | 1,620 |
| Point Iroquois day, Bay Mills, Mich | 30 | 30 | 900 | 20 | 600 |
| Santa Fé boarding, New Mexico | 125 | 50 | 6,250 | ..... | ..... |
| Santa Fé boarding, New Mexico (supplemental) | 125 | 15 | 1,875 | ..... | ..... |
| Sisseton Agency, S. Dak.: | | | | | |
| Goodwill Mission boarding | 108 | 60 | 6,480 | ..... | ..... |
| Shoshone Agency, Wyo.: | | | | | |
| Mission boarding | 108 | 20 | 2,160 | 20 | 2,160 |
| Springfield, S. Dak., Hope boarding | 108 | 45 | 4,860 | 45 | 4,860 |
| Tucson boarding, Arizona | 125 | 150 | 18,750 | ..... | ..... |
| Tucson boarding, Arizona (supplemental) | 125 | 50 | 6,250 | ..... | ..... |
| Wittenberg boarding, Wisconsin | 108 | 140 | 15,120 | 140 | 15,120 |
| Total | ..... | ..... | 359,810 | ..... | 285,715 |
| SCHOOLS SPECIALLY APPROPRIATED FOR BY CONGRESS. | | | | | |
| Banning boarding, California | 125 | 100 | 12,500 | 100 | 12,500 |
| Blackfeet Agency, Mont.: | | | | | |
| Holy Family boarding | 125 | 100 | 12,500 | 100 | 12,500 |
| Clontarf boarding, Minnesota | 150 | 100 | 15,000 | 100 | 15,000 |
| Flathead Agency, Mont.: | | | | | |
| St. Ignatius Mission boarding | 150 | 300 | 45,000 | 300 | 45,000 |
| Rensselaer boarding, Indiana | ..... | 60 | 8,330 | 60 | 8,330 |
| St. Benedict's boarding, St. Joseph, Minnesota | 150 | 50 | 7,500 | 50 | 7,500 |
| St. John's boarding, Collegeville, Minnesota | 150 | 50 | 7,500 | 50 | 7,500 |
| White's Manual Labor Institute, Wabash, Indiana | 167 | 60 | 10,020 | 60 | 10,020 |
| Hampton Institute, Virginia | 167 | 120 | 20,040 | 120 | 20,040 |
| Lincoln Institution, Philadelphia, Pa | 167 | 200 | 33,400 | 200 | 33,400 |
| Kate Drexel Industrial School, Umatilla Agency, Oreg | 100 | 60 | 6,000 | 60 | 6,000 |
| Total | ..... | ..... | 177,790 | ..... | 177,790 |

* In 1894 $108 per pupil was allowed instead of $75.

It will be seen from the foregoing table that for contract schools, not specifically appropriated for, a reduction has been made from last year of $74,095, or over 20 per cent. Contracts have been declined or reduced wherever it could be done without depriving children of school privileges.

The following item, inserted in the Indian appropriation act for this year, and the debates in Congress while the bill was under discussion, seem to look in the same direction of gradually discontinuing Government aid to schools for Indians carried on under private control:

The Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of the Indian children; and that he submit to Congress at the next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendations as he may deem proper.

The amounts allowed for contract schools, aggregated and compared with former years, are as follows:

TABLE 10.—*Amounts set apart for education of Indians in schools under private control for the fiscal years 1889 to 1895, inclusive.*

| | 1889. | 1890. | 1891. | 1892. | 1893. | 1894. | 1895. |
|---|---|---|---|---|---|---|---|
| Roman Catholic | $347,672 | $356,957 | $363,349 | $394,756 | $375,845 | $389,745 | $359,215 |
| Presbyterian | 41,825 | 47,650 | 44,850 | 44,310 | 30,090 | 36,340 | ..... |
| Congregational | 29,310 | 28,459 | 27,271 | 29,146 | 25,736 | 10,825 | ..... |
| Episcopal | 18,700 | 24,876 | 29,910 | 23,220 | 4,860 | 7,020 | 7,020 |
| Friends | 23,383 | 23,383 | 24,743 | 24,743 | 10,020 | 10,020 | 10,020 |
| Mennonite | 3,125 | 4,375 | 4,375 | 4,375 | 3,750 | 3,750 | 3,750 |
| Unitarian | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 |
| Lutheran, Wittenberg, Wis. | 4,050 | 7,560 | 9,180 | 16,200 | 15,120 | 15,120 | 15,120 |
| Methodist | 2,725 | 9,940 | 6,700 | 13,980 | ..... | ..... | ..... |
| Mrs. L. H. Daggett | ..... | ..... | ..... | ..... | *6,480 | ..... | ..... |
| Miss Howard | 275 | 600 | 1,000 | 2,000 | 2,500 | 3,000 | 3,000 |
| Appropriation for Lincoln Institution | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 |
| Appropriation for Hampton Institute | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 |
| Woman's National Indian Association | ..... | ..... | ..... | ..... | ..... | 2,040 | 4,320 |
| Point Iroquois, Mich | ..... | ..... | ..... | ..... | ..... | 900 | 600 |
| Plum Creek, Leslie, S. Dak | ..... | ..... | ..... | ..... | ..... | ..... | 1,620 |
| Total | 529,905 | 562,640 | 570,218 | 611,570 | 533,241 | 537,600 | 463,505 |

*This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893, the contract was renewed with Mrs. Daggett.

## FIELD MATRONS.

The purpose and method of field matron work among Indians, especially among Indian women in their homes, were set forth in detail in my last annual report and need not be repeated here.

Indians, like other people, can not be transformed by legislation or any wholesale action. Moreover, legislation is usually the result of earnest individual effort by which a majority is worked up to demand the enactment of laws whose provisions they are, on the whole, intelligently prepared to carry out. With the Indian it is the reverse. The white man has legislated for him. His circumstances are not an outgrowth from himself, but something to which he must grow up—an unnatural process, but inevitable when civilization and barbarism collide. Therefore, the individual work which would naturally precede a change in his political or social status must come afterwards. This hand to hand work must be done by men and women for men and

women; and in no capacity will it count for more than when it pertains to home life.

It is only four years ago that Congress made its first provision for carrying on field matron work, and as the appropriations beginning with $3,000 have not yet exceeded $5,000 per annum, it would not be reasonable at this time to look for widespread and remarkable results. One field matron among 3,000 Indians, for instance, will not revolutionize them in one or two years. Nevertheless, valuable and noteworthy results are already manifest.

In a small band of a few hundred Indians who previously had sturdily resisted all civilizing influences, especially schools, the field matron has gathered the children into school and obtained a strong hold for good upon every family. At another point sewing schools, weekly clubs, and simple Sabbath services have brought to the young men and women self respect, something hopeful and widening in their narrow lives of poverty, dirt, and degradation, until they have dared to be "progressive." Elsewhere an agent reports of the field matron: "The benefits of her work are evident in many ways. Some of the most desperate characters of the tribe who have come under her influence have developed into steady, hard-working men." Very naturally he asks for several more such matrons. On two remote reservations the field matrons find their training as physicians of incalculable value in relieving suffering and enlightening ignorance of the ordinary laws of health. Everywhere this field matron work modifies outward forms and touches the mainsprings of life and character, and slowly develops a finer womanhood, childhood, and manhood. It is a subtle force which enlightens, strengthens, removes prejudices, and breaks down barriers. It is a powerful ally of the schools, and from that point of view alone calls for extension.

In July last an estimate was submitted to Congress asking that the field matron appropriation be increased from $5,000 to $19,680; but this request was not granted.

## ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

### ON RESERVATIONS.

Patents issued last year have been delivered to the following Indians:

| | |
|---|---|
| Sisseton and Wahpeton Sioux in North Dakota and South Dakota | 1,339 |
| Medawakanton Sioux on Devils Lake Reservation in North Dakota | 773 |
| Tonkawas in Oklahoma | 73 |

Patents have been issued and delivered to the following Indians:

| | |
|---|---|
| Pottawatomies in Kansas | 151 |
| Pawnees in Oklahoma | 821 |
| Klamath River Indians in California | 125 |
| Iowas in Kansas and Nebraska | 143 |
| Chippewas, Lac du Flambeau Reservation in Wisconsin (under treaty of 1854) | 85 |
| Chippewas, Bad River Reservation in Wisconsin (under treaty of 1854) | 37 |
| Winnebagoes in Nebraska | 795 |

Allotments have been approved by this office and the Department, and patents are now being prepared in the General Land Office for the following Indians:

| | |
|---|---|
| On Yankton Reservation, South Dakota | 1,171 |
| Siletz Reservation in Oregon | 536 |
| Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1854) | 118 |
| Chippewas of L'Anse and Vieux de Sert in Michigan (under treaty of 1854) | 176 |

Schedules of the following allotments have been submitted by this office for the approval of the Department:

| | |
|---|---|
| Nez Percés in Idaho | 1,665 |

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

| | |
|---|---|
| Kickapoos in Oklahoma | 276 |
| Yakimas in Washington | 1,851 |

Work is progressing in the field as follows:

**Moqui Reservation, Ariz.**—The work of alloting lands in severalty to the Indians of this reservation has been discontinued. All but a few of the Indians had made their selections, which had been properly scheduled by the allotting agent, but a small number continued their opposition to allotment work. This opposition, together with formal objections to the approval of any of the allotments presented to this office by friends of the Indians, led to a discontinuance of the work in February last.

**Addition to Hoopa Valley Reservation in California.**—Special Agent Turpin reports that these allotments are completed in the field. He has been ordered to report to this office for the purpose of preparing the schedules.

**Mission Reservations, California.**—The work of settling the Mission Indians on the several reservations selected for them by the late Mission commission is progressing satisfactorily. There are twenty-seven of these reservations, and allotments have been completed in the field, or nearly completed, upon six of them, as follows: Pala, Rincon, Potrero, Campo, Temecula, and Sycuan.

Before allotments can be made upon any Mission reserve, a patent for the reservation in common must first be issued to the Indians belonging thereon. Such patents have been issued for all the reservations

except Cahuilla, Twenty-nine Palms, San Pasqual, San Jacinto, Agua Caliente, Los Coyotes, Torros, Santa Rosa, Morrongo, and Cabezon. On three of these, Cahuilla, Agua Caliente, and Morongo, the commission recommended that allotments be made. They are large and important reservations, and it is hoped that obstacles in the way of issuing patents for them will soon be removed.

**Round Valley Reservation, Cal.**—The work of formally allotting the agricultural lands of this reservation was begun during the past year. These lands had been subdivided into 10-acre tracts, with the intention of allotting one tract to each Indian entitled. Owing, however, to the fact that many of the Indians who had left the reservation for the purpose of seeking their livelihood outside decided to return and take allotments, the number of Indians was found to exceed the number of tracts available for allotment. In order to supply land to all entitled thereto, the Department authorized the allotment of 5 acres only to married women whose husbands also received allotments. Although this course added considerably to the number of tracts available for allotment, the continued arrival of scattered Indians again rendered the number of tracts insufficient, and the Department accordingly authorized their settlement upon the grazing and timbered portion of the reservation. This latter portion will, for the present, be held in common by the tribe, but may, in the discretion of the President, be allotted in severalty.

**Pottawatomie and Kickapoo reservations in Kansas.**—As indicated in my last annual report, work among these Indians is in a rather unsatisfactory condition. The latest reports from Special Agent Aten indicate that 187 allotments remain to be made to the Pottawatomies (50 of which will probably be made within a short time), and 30 to the Kickapoos, and that these Kickapoos and 137 Pottawatomies will not voluntarily make selections.

The question whether lands shall be assigned these Indians at the expiration of the period of four years from the date of the President's order authorizing allotments to be made to them, as may be done under the provisions of the act of February 8, 1887 (24 Stats., 388), was submitted for your consideration August 23, 1894, and under your instructions of August 25, 1894, Special Agent Aten was directed, August 31, 1894, to notify the Indians that unless they made their selections within thirty days from time of notice assignments would be made to them.

**Chippewa reservations, Minnesota.**—The condition of allotment work among the Chippewas is given in detail on page ——.

**Fort Berthold Reservation, N. Dak.**—Instructions approved by the Department were issued November 20, 1893, for the guidance of Agent Grady in making allotments to the Indians of the Fort Berthold Reservation. The probability that "Crow Flies High" and his band of then roving Indians, some 200 in number, might come to the reservation and ask

for allotments was taken into consideration in estimating the quantity of land necessary to have surveyed for allotments. He and his band are now there and the work of making allotments is progressing satisfactorily. These Indians are also referred to on page — of this report.

**Ponca and Otoe reservations in Oklahoma.**—Special Agent Helen P. Clarke reports, August 8, 1894, that allotments have been made to 410 of the 759 Poncas and to 175 of the 352 Otoes entitled to allotments. She states that a portion of these Indians are bitterly opposed to allotments, realizing that the division of their lands in severalty will lead to ultimate civilization. She recommends that assignments be made to them at the expiration of the four years' period from the date of the President's order authorizing allotments to be made on their reservations, viz, September 6, 1890. The matter was submitted for your consideration and action August 23, 1894, and under your instructions of August 25, 1895, Special Agent Clarke was directed, August 31, 1894, to notify the Indians that unless they made their selections within thirty days from time of notice, assignments would be made to them.

**Klamath Reservation, Oreg.**—Special Agent Charles E. Worden was directed, May 16, 1894, to proceed to the Klamath Agency for the purpose of making allotments to the Indians of that agency, and is now engaged in the prosecution of the work.

**Warm Springs Reservation, Oreg.**—It is expected that work on this reservation will be completed by the first of next month.

**Lower Brulé Reservation, S. Dak.**—Much trouble has been experienced with the Lower Brulé Sioux, located south of White River upon the Rosebud Reservation, in trying to induce them to remove to and take allotments upon their own reservation—the Lower Brulé—where they properly belong. Many of them have removed thereto, and it is believed that most, if not all, of them will finally go to their own reservation, where they can be allotted lands as permanent homes and receive the benefits of the Sioux act of March 2, 1889 (25 Stat., 888). There are 568 of these Indians.

**Rosebud Reservation, S. Dak.**—Special Agent George C. Crager was given instructions for the work of making allotments to the Indians of this reservation October 13, 1893. The appropriation applicable to this work having become nearly exhausted, he was directed, February 7, 1894, to discontinue field work, and was relieved from all duty April 27, 1894. He was ordered on July 11, 1894, to resume work, and is now in the field.

**Shoshone Reservation, Wyo.**—Authority has been granted by the President to make allotments to the Indians of the Wind River or Shoshone Reservation in Wyoming, and instructions have been given the agent for that purpose. It is believed that these Indians will gladly receive their allotments, as they have often expressed willingness and anxiety to have them made. This work will be pushed to completion as rapidly as possible.

## NONRESERVATION INDIANS.

**Allotments.**—The work of making allotments to nonreservation Indians has been continued in the field by Special Allotting Agent Bernard Arntzen. He has made 361 allotments since receiving his instructions, July 17, 1893.

In addition to this work, Agent Arntzen has looked after Indian homestead contest cases before various local land officers, and adjusted the allotments to the Kootenai Indians in the vicinity of Bonners Ferry, Idaho, so as to make them conform to the public surveys (the allotments there having been made first on unsurveyed lands). He has also been called upon to investigate the fishery difficulties at The Dalles, Oreg., involving the rights of the Yakima Indians, under their treaty of 1855, to fish in the waters of the Columbia River, and to use lands for ingress and egress and drying purposes.

Since my last annual report the General Land Office has transmitted to this office for consideration and action 1213 Indian allotment applications under the fourth section of the general allotment act as amended by the act of February 28, 1891 (26 Stats., 794). There are now ready for transmittal to the Department, for consideration and approval, 650 allotments under the said fourth section; 61 others were forwarded there May 10, last, and were approved on the 11th of that month. The remainder of the allotment applications on file in this office will receive the early attention of the special allotting agent on duty here.

Nonreservation Indians, realizing the fact that the unappropriated public lands are rapidly disappearing, are making efforts to find lands which may be secured as their homes. Whites have settled everywhere, and circumscribed their territory; they are hemmed in on all sides and must adopt the ways of civilization or perish.

**Patents.**—During the present year the first patents for lands allotted to nonreservation Indians under the fourth section of the general allotment act, as amended by the act of February 28, 1891, have been delivered. This office transmits the patents to the register and receiver of the U. S. land office embracing the land covered by the respective patents, and said officer delivers the same to the parties entitled thereto. Receipts for patents delivered, prepared by this office and filled out ready for signature, are taken by the local land officers in duplicate, one copy being forwarded by them to this office. This course is in accordance with Department instructions, dated February 5, 1894, to the Commissioner of the General Land Office and with the latter's circular letter, dated February 24, 1894, addressed to the registers and receivers of the several U. S. land offices, directing them to receive such patents from this office and to deliver the same and take duplicate receipts therefor. They are also directed to report to this office at the end of each quarter the number of patents delivered during the quarter (forwarding receipts therefor); also the number, if any, still

undelivered, giving the name of the patentee, the number of the patent, and the reasons why the same have not been delivered.

Eight hundred and four patents in favor of nonreservation Indians have been issued up to the present time, all of which have been transmitted to the proper local land officers for delivery. About one-third of the same have been delivered, and receipts therefor returned to this office. Of said 804 patents, 490 were in favor of Indians of the Wintu, Hat Creek, Pitt River, Sonwas, and other tribes residing in the Redding, Cal., land district. Others were distributed in land districts indicated by local offices, as follows: Helena, Mont., 90; Ashland, Wis., 37; Independence, Cal., 34; Carson City, Nev., 31; Vancouver, Wash., 21., and Cœur d'Aléne, Idaho, 15. The remainder were widely distributed, being for lands located in a dozen or more States and Territories and twice that number of land districts.

## IRRIGATION.

**Crow Reservation.**—A complete system of irrigation on this reservation is in course of construction under the supervision of Walter H. Graves, who is making satisfactory progress.

**Fort Peck and Blackfeet Reservations.**—Construction of canals on these two reservations has been commenced with the intention of completing systems of irrigation sufficiently extensive to place enough land under water for the needs of the Indians.

**Fort Hall Reservation.**—The Indian appropriation act for the current year contains a clause directing the Secretary of the Interior to contract with responsible parties for the construction of irrigating canals and the purchase or securing of water supply on this reservation, the expense of constructing said canals and of securing the water supply to be paid out of moneys belonging to the Fort Hall Indians now in the Treasury and subject to the disposal of the Secretary of the Interior for the benefit of said Indians.

The problem of securing a water supply for the Fort Hall Indians has been under consideration by this office for some years, but the insufficiency of water on the reservation, and the great cost of bringing it from outside the reservation, has rendered it impossible to adopt any plan the cost of which would be within the limits of the funds available from the general appropriation for irrigation on Indian reservations. As the Indians will have a large surplus of irrigable lands after a complete system of irrigation shall have been constructed, the expenditure of their present tribal funds for that purpose will ultimately result in placing a much larger amount to their credit. A proposition received from the Idaho Canal Company to furnish an ample supply of water will shortly be submitted for your consideration.

**Navajo Reservation.**—My annual report for last year stated that recommendation had been made to the Department for the appointment of a

competent man to superintend the work of developing a water supply and constructing a system of irrigation on the Navajo Reservation sufficient to meet at least the immediate needs and wants of the Navajoes, for which work Congress had appropriated at various times certain sums.

March 10, 1894, E. C. Vincent, of Staunton, Va., was appointed by you for the duty indicated, and on the 21st of that month instructions for his guidance were issued by this office, which were approved by the Department March 23. March 28, these instructions were transmitted to Superintendent Vincent with directions to proceed at once to the Navajo Reservation and enter upon the discharge of the duties assigned him. He is now in the field prosecuting the work outlined.

He was advised that owing to the immediate need of water supply for stock and domestic purposes attention should first be given to the development of as many springs and wells as possible upon the reservation. This plan it was hoped would afford better water facilities for the grazing lands and bring into use tracts hitherto ungrazed, so as to furnish sufficient water for the numerous flocks and herds of the Navajoes.

He was also instructed, while conducting this work, to note places where conditions seemed favorable for obtaining artesian water, and to carefully investigate the surrounding country, so as to estimate the probable cost of sinking artesian wells where the indications are most hopeful, and where such wells will be most needed.

At the same time he was directed to make investigations in regard to irrigation with a view specially to constructing and keeping in operation, under the direction of competent farmers, small irrigating systems, by which the Indians may gradually be instructed in the proper methods of irrigation.

Owing to the limited funds available for irrigation purposes on the Navajo Reservation and the probable difficulty of bringing any large body of Navajoes together for agricultural pursuits—as they are, in the main, a pastoral people—it will doubtless be best to begin by constructing a few small ditches at various points on the reservation, these minor projects, however, to be so planned that they will not interfere with the future development of water resources should it become practicable to supply a large number of Indian farms by the construction of an extensive system of irrigation. The lands of the reservation suitable for agricultural purposes are scattered and are in small areas, except on the San Juan River, where a large and well-constructed system of irrigation would be more beneficial and economical than smaller ditches.

**Umatilla Reservation, Oreg.**—The act of January 12, 1893 (27 Stats., 417), granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation in Oregon, authorized the appointment of three commissioners to inquire into and report to the Secretary of the Interior the

facts as to any lands taken for the main ditch, and to fix the amount of compensation to be paid the Indian owners or allottees for lands so taken, including damages that might thereby be caused to other lands; also, to fix the amount of compensation to be paid for any unallotted tribal lands required by the company for reservoir, dams, and adjacent grounds. This commission had been appointed and was in the field engaged in the discharge of its duties when my last annual report was made.

May 3 last I received, by Department reference, the report of this commission, dated April 23, 1894, which I returned to you, with certain suggestions and recommendations. May 15, 1894, you returned the papers to this office, with instructions to call upon the commission for the completion of their report in accordance with the suggestions made, and on May 18 they were given such instructions. Upon the receipt of the report it will be promptly transmitted to the Department for further consideration.

**Miscellaneous.**—During the year the expenditure of some $20,000 for irrigating purposes on other reservations has been authorized, the principal part of this sum being assigned to the Uintah and Wind River reservations.

## AGREEMENTS WITH INDIANS.

**Siletz, Yankton, and Nez Percés.**—The agreement concluded with the Siletz Indians in Oregon, October 1, 1892, that with the Yankton Sioux in South Dakota, concluded December 31, 1892, and that with the Nez Percés in Idaho, concluded May 1, 1893, referred to in my last annual report, were ratified by the act of Congress approved August 15, 1894—the Indian appropriation act. Under these agreements some 880,000 acres of land will be restored to the public domain for disposition as provided in said act.

**Yuma.**—An agreement was concluded with the Yuma Indians, December 4, 1893, whereby they ceded to the United States all their right, title, and interest in their reservation in California, established by executive order of January 9, 1884, each of said Indians to have an allotment of 5 acres of land. This agreement was also ratified by the said act of August 15, 1894. It will result in the restoration of some 27,500 acres of nonirrigable and some 14,000 acres of irrigable land. The former is subject to disposal under the general land laws, and the latter is to be sold at public sale to the highest bidder.

**Pyramid Lake and Walker River.**—As stated in my last annual report, the President transmitted to Congress, January 11, 1892, the agreement concluded October 17, 1891, with the Pah-Ute Indians residing upon the Pyramid Lake Reservation in Nevada. That agreement has not been ratified, but Senate bill No. 99, Fifty-third Congress, second session, now pending, provides for vacating and restoring to the public domain the entire Walker River Reservation, and also a portion of the Pyramid Lake Reservation, which portion embraces a larger extent of

territory than that included in the agreement. The said bill was referred to the Committee on Indian Affairs August 8, 1893, and reported back (Report No. 177) January 24 last without amendment.

**Turtle Mountain Indians.**—These Indians are still in an unsettled condition. The agreement made with them December 3, 1892, referred to in my last annual report, has not yet been ratified. Moreover, bills have been introduced (S. bill 2011 and H. R. bill 7005) and are now pending in Congress, which, if passed, will annul the said agreement and provide for making another one.

## COMMISSIONS.

**Five Civilized Tribes, Indian Territory.**—By section 16 of the act of March 3, 1893 (27 Stats., 645), the President was authorized to appoint three commissioners to enter into negotiations with the Cherokee, Choctaw, Chickasaw, Muscogee (or Creek), and Seminole nations, commonly know as the Five Civilized Tribes, in the Indian Territory. The purpose of the negotiations were to be—

> The extinguishment of tribal titles to any lands within that Territory, now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them with the United States with a view to such an adjustment upon the basis of justice and equity as may, with the consent of the said nations of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union, which shall embrace the lands within said Indian Territory.

The President nominated, and the Senate confirmed, as the members of this commission Henry L. Dawes of Massachusetts, Meredith H. Kidd of Indiana, and Archibald S. McKennon of Arkansas.

In compliance with your instructions of November 6, 1893, I submitted, November 28, 1893, for your approval, a draft of instructions prepared for the guidance of the commission in the performance of the work contemplated by the statute. This draft contained an historical statement of the manner in which the five nations acquired the territory now owned and occupied by them, and also a statement of the rights of the various classes of persons residing in each nation in the common property thereof. However, as the law authorizing their appointment was very explicit as to their duties, and as their mission was considered one of great importance and delicacy, the commissioners were advised that many things in connection with their negotiations must be left to their own wisdom and discretion.

The commissioners met in this city on December 8, 1893, and subsequently proceeded to the Indian Territory, where they have most of the time since been engaged in the duties imposed upon them. No agreement has yet been reached with any of the tribes so far as I am advised, nor do I know what progress they have made in their important mission.

**Puyallup Reservation, Wash.**—The act of March 3, 1893 (27 Stats., 612), authorized the President to appoint three persons whose duty it should be to select and appraise such portions of the allotted lands of the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees, and also that portion of the agency tract, exclusive of the burying ground, not needed for school purposes; to ascertain the true owners of the allotted lands; to have guardians appointed for the minor heirs of any deceased allottees; and, upon the approval of the selections and appraisements by the Secretary of the Interior, to superintend the sale of the same and make deeds of the lands to the purchasers thereof subject to the approval of the Secretary, with the provision that the portion of the agency tract selected for sale should be platted into streets and lots as an addition to the city of Tacoma, etc.

October 30, 1893, the President appointed James J. Anderson, of Nashville, Ill.; Ross J. Alexander, of Bridgeport, Ohio, and John W. Renfroe, of Atlanta, Ga., to be commissioners for the purpose indicated. Instructions as to their duties were prepared November 6, 1893, and approved by the Department November 14; and November 21 the commissioners were directed to proceed to the Puyallup Agency and enter upon the discharge of the duties assigned them. They are now in the field carrying out the instructions given, and although they have met with a determined opposition by a few Indians and white men in the prosecution of their work, it is thought that they will be successful in their mission and thus dispose of one of the most perplexing questions before this office.

Great pressure has been brought upon Congress to take the sale and disposition of these Indian lands from the control and supervision of this Department, but that body has steadily refused to enact any law to that effect.

A former commission estimated the value of the agency tract to be $1,000 per acre, or $585,000, and reported the value of the allotted lands of the reservation to be, as near as they could arrive at it, approximately $4,776,130, or an average of $273.50 per acre. They also reported that 9,200 acres, or more than half of the area of these allotted lands, were covered by so-called leases or contracts procured and still held by white men. These contracts were in reality of the nature of alienation and were intended by the persons who made them to be ipso facto deeds, by providing that the lease should renew itself at the expiration of every two years, the limit fixed by the treaty of December 26, 1854, until the restrictions as to alienation should be removed, whereupon the contract under the lease for the alienation of the property would become operative, conveying the property absolutely and completely. It is evident that the contracts referred to are a violation of the treaty and the patent under which the Puyallup lands are held. If the contracting parties could enforce their agreements they would

acquire from the Indians for $700,000 lands estimated by the commission to be worth over $2,500,000—a clear profit to them, and a consequent loss to the Indians, of $1,800,000.

The Puyallup Reservation is contiguous to the rapidly growing city of Tacoma, and some of the lands, being suitable for residence lots, are worth vastly more than the average price per acre. In fact, it was stated in the instructions to this commission that "some of the lands are said to be worth as high as $6,000 per acre, while the water front alone has been estimated to be worth millions of dollars."

When the selections and appraisements shall have been made by the present commission and approved by the Secretary of the Interior, the lands are to be sold, after due notice, at public auction at not less than the appraised value, for cash or one-third cash, and the remainder on such time as the Secretary may determine, to be secured by vendor's lien on the property sold. This method of procedure will give all parties desiring to purchase these Indian lands an equal opportunity, and insure the Indians the full benefit of their land values.

**Osage Reservation, Okla.**—May 18, 1894, Messrs. James S. Hook, John A. Gorman, and John L. Tullis were appointed a commission to negotiate with the Osage Indians for the surrender to the United States of such portion of their reservation in Oklahoma as they may be willing to cede. This commission has not completed its labors.

**Chippewa Reservations, Minn.**—In the annual report of this office for 1890 will be found a brief account of the negotiations with the Chippewa Indians, in the State of Minnesota, for the complete cession and relinquishment in writing of all their title and interest in and to all their reservations in Minnesota, except the White Earth and Red Lake reservations, and to so much of these two reservations as in the judgment of the commission will not be required for the allotments provided for in the act of Congress approved January 14, 1889 (25 Stats., 642). The subsequent annual reports give brief statements of the work performed by the commission, from year to year, as reported by the commission.

Since the completion of negotiations for the cession the efforts of the commission have mainly been directed toward securing removals from other reservations to the White Earth Reservation, in accordance with the provisions of said act of January 14, 1889. The report of the chairman of the commission, dated June 7, 1894, shows that up to that time but 775 permanent removals had been secured. The total number of Indians subject to removal to the White Earth Reservation under the provisions of the act is about 4,000. The removal of but 775 in four years and four months suggested that the work of the commission might continue for an indefinite period, unless their efforts toward securing further removals should shortly cease, and their entire time thereafter be devoted to making the allotments. It certainly was not contemplated by the act that the option of removing to the White Earth Res-

ervation should be left open to the Indians for an indefinite period; otherwise the work of the commission might never close.

Accordingly, July 5, last, this office recommended to the Department that the Chippewa Commission be instructed that on and after October 1, 1894, further efforts looking to the removal of Indians to the White Earth Reservation under the provisions of the act shall cease; that the commission, as early as practicable, notify all the Indians of the several reservations who are entitled to remove to the White Earth Reservation that they must avail themselves of this privilege on or before said date, and that their failure so to do will be regarded as an election on their parts to take their allotments on the reservation where they respectively resided at the time the various agreements were negotiated; that the entire time of the commission between that date and October 1, if necessary, be devoted to securing the removal of Indians to the White Earth Reservation; and that thereafter it be devoted to making the allotments in severalty to the Indians, as provided for in the act, until all the allotments shall be made. These instructions were approved by the Secretary July 7, and July 10, 1894, the commission was so instructed.

It is due to the present commission to say that they have been diligent and faithful in the performance of their duties, and that their work has been performed in an efficient and creditable manner.

In the annual report of the commission for the year from January 1 to December 31, 1893, dated February 24, 1894, they state that the number of allotments made during that period is 843, the number of permanent removals to the White Earth Reservation 206, and the number of houses constructed 41. The disbursements of the commission for that period are given in the following table:

*Disbursements January 1, 1893, to January 1, 1894.*

| | |
|---|---|
| Building houses and digging wells | $6,572.95 |
| Breaking and plowing land | 516.75 |
| Wagons and hardware | 4,150.91 |
| Expense of allotting land | 4,624.13 |
| Seed | 981.86 |
| Cattle, $1,902 / Caring for same, $190 | 2,092.00 |
| Subsistence | 10,768.42 |
| Expense of moving Indians | 2,169.51 |
| Salaries and expense of commission | 12,025.67 |
| Horses and harness, $270.90 / Feed for the same, $56.60 | 327.50 |
| Repairing bridges | 22.00 |
| Salaries of regular employés | 6,224.75 |
| Total | 50,476.45 |

The following table gives an itemized statement of the disbursements of the commission from January 1, 1894, to September 1, 1894, as shown

by the various biweekly reports, which, by Department instructions of May 5 last, the commission were directed to make:

| | |
|---|---|
| 1. Salary and expenses of commission | $9,527.20 |
| 2. Salary of regular and irregular employés | 3,905.68 |
| 3. Removals, transportation, freight, subsistence, salaries of removal agents, etc | 7,670.01 |
| 4. Allotting lands, surveys, salaries, etc | 1,589.63 |
| 5. Building houses for removal of Indians, and repairs | 2,336.35 |
| 6. Wagons, sleds, harrows, plows, and hardware | 5,077.99 |
| 7. Cows and cattle and expenses connected therewith | 6,180.00 |
| 8. Purchase of seeds, etc | 993.82 |
| 9. Breaking, harrowing, and planting | 222.50 |
| 10. Office fixtures, rents, fuel, lights, stenographer, etc | 835.65 |
| Total disbursements | 38,338.83 |

The number of allotments made from January 1 to September 1, 1894, is 479; the number of houses built during the same period, 13. The number of removals to the White Earth Reservation from June 13, 1893, to September 1, 1894, is 299.

The commission now consists of William M. Campbell, chairman, Benjamin D. Williams, and J. Montgomery Smith.

**Otoe and Missouria Reservation, Okla.**—A matter of considerable moment to these Indians is a proposed revision and readjustment of the sales of their lands in Nebraska and Kansas, under the act of Congress approved March 3, 1893 (27 Stat., 568). The act provides that no readjustment shall be made or rebate allowed unless the consent of the Indians thereto shall have been first obtained. A commission will present the matter to the Indians with a view to obtaining their consent. This commission has not yet been appointed. The maximum amount which the Indians may be asked to rebate is, according to a statement prepared by the General Land Office, $351,516.40, plus $592.67 interest for each month which may elapse between February 1, 1894, and the date upon which the readjustment, if made, shall take effect.

**Shoshone Reservation, Wyo.**—The commission appointed under a clause contained in the Indian appropriation act of July 13, 1892 (27 Stat., 120), authorizing the reopening of negotiations with the Indians of the Shoshone or Wind River Reservation, Wyo., failed to reach an agreement with them, and I stated in my last annual report that a report of the whole matter would be submitted to you at an early date for your consideration and for transmission to Congress. On November 29, 1893, I submitted such report, accompanied by all the papers in the case, and recommended that the same be forwarded to Congress.

The Indian appropriation act, approved August 15, 1894 (Public No. 19[illegible]), contains the following clause pertaining to negotiations with these Indians:

For the purpose of conducting negotiations with the Shoshone and Arapahoe Indians for the sale and relinquishment of certain portions of their reservation in

the State of Wyoming to the United States, one thousand dollars; and the Secretary of the Interior shall detail immediately one or more of the five Indian inspectors to make an agreement with said Indians: *Provided*, That any agreement entered into for said lands shall be ratified by Congress before it shall become binding.

When such detail of an inspector or inspectors shall have been made by you, this office will prepare and submit instructions for their guidance in conducting the negotiations proposed.

## LEASING INDIAN LANDS.

Previous annual reports have quoted section 3 of the act of February 28, 1891 (26 Stat., 794), which authorizes the leasing of allotted and unallotted or tribal Indian lands, and have contained the rules and regulations prescribed in regard to the execution of such leases.

The Indian appropriation act approved August 15, 1894 (Public, No. 197, p. 21 *et seq.*), contains an item which modifies the previous law relating to leasing Indian lands, but without any reference to that law. For the sake of comparison the law of February 28, 1891, is again quoted, and is as follows:

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary for a term not exceeding three years for farming or grazing or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same and which lands are not needed for farming and agricultural purposes and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

The law as amended August 15, 1894, reads as follows:

*Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability or inability, any allottee of Indian lands under this or former acts of Congress, cannot personally and with benefit to himself, occupy or improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes: *Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes.

Under the amendment it will be noticed that allotted lands may be leased for farming or grazing purposes for a period not exceeding five years (before it was three years), and that such lands may also be leased for business purposes for a period not exceeding ten years; also, that the surplus tribal lands of any tribe may be leased for farming purposes by the council of such tribe, under the same rules and regulations and for the same term of years as was allowed by the old law in the case of leasing for grazing purposes. Hereafter all leasing will

The matter of again leasing these pastures was presented to the Department in office letter of March 21, 1894. September 12, 1893, the Department authorized the renewal of the following leases for the period of one year from September 1, 1893, at the uniform rate of 6 cents per acre:

| Name of lessee. | | | |
|---|---|---|---|
| James P. Addington | Acres 18,380 | Annual rent | $1,102.80 |
| James W. Blasingame | do.. 36,480 | Do. | 2,188.80 |
| Elisha F. Ikard | do.. 44,640 | Do. | 2,678.40 |
| Herring & Stinson | do.. 38,760 | Do. | 2,325.60 |
| Cox & Houston | do.. 37,440 | Do. | 2,246.40 |
| William A. Wade | do.. 74,880 | Do. | 4,492.80 |

On November 2, 1893, the Department authorized the leasing of a tract of land of 40,000 acres lying about 6 miles south of Fort Sill to the highest and best bidder. After due advertisement the agent submitted a lease of this tract to Byers Bros. & Featherstone, at 6 cents per acre, for one year from December 20, 1893; annual rental, $2,400. This lease and the six preceding have not received the approval of the Department, to which they were submitted in office letter of February 21, 1894.

**Omaha and Winnebago reservations, Nebr.**—The last annual report mentions two leases on the Omaha Reservation, each for the period of five years from May 1, 1892, at 25 cents per acre per annum, for a total area of 22,604.18 acres, amounting to an annual rental of $5,651.13. Authority for the leasing of additional pastures on the Omaha Reservation for the period of one year was granted by the Department March 14, 1894, and March 17, 1894, the acting agent was instructed accordingly.

Like authority was also granted by the Department, March 23, 1894, for the leasing of additional pastures on the Winnebago Reservation for the period of one year, and the acting agent was notified March 27, 1894. August 17, 1894, the acting agent submitted for approval eight leases on the Omaha Reservation and one lease on the Winnebago Reservation. On August 27, the leases and accompanying bonds were returned because of certain informalities in the execution of the bonds.

**Osage Reservation, Okla.**—The last annual report mentions the existence of thirty-four grazing leases on this reservation, each for three years from April 1, 1893, at the uniform rate of 3½ cents per acre per annum, containing a total estimated area of about 831,188 acres; annual rental $29,091.58. No additional leases have been executed during the past year.

**Kaw Reservation, Okla.**—Reference was made in the last annual report to four leases on the Kaw Reservation which had been executed under Department authority of February 23, 1893, but had not been approved owing to defective bonds, etc.

Three of them, each for three years from April 1, 1893, were approved by the Secretary of the Interior during the past year, the respective lessees having filed new bonds in accordance with Department instructions of September 16, 1893. Lease covering district No. 1, esti-

leased to H. A. Mayo for the period of three years from June 20, 1893, in consideration of $100 per annum and the further consideration of placing a large portion thereof under cultivation.

**Monsimoh or Moose Dung.**—By joint resolution approved August 4, 1894 (Private Resolution No. 5 and page —— of this report), Congress authorized the Secretary of the Interior, if in his discretion he deemed the same proper and advisable, and upon such terms and limitations as he might impose, to approve a certain lease, made and executed by Monsimoh (commonly called Moose Dung) to Ray W. Jones, of lot 1 in section 34 in township 154 north of range 43 west in the county of Polk and State of Minnesota, embracing a portion of the land granted Old Chief Moose Dung under article 9 of the treaty of October 2, 1863 (13 Stats., 667). Afterwards Moose Dung claimed that the Jones lease had been misinterpreted to him and that he did not want it approved, but that he wanted a lease executed in favor of Messrs. P. and J. Mehan approved. The matter is now awaiting investigation by a representative of this office before further action will be taken.

## UNALLOTTED OR TRIBAL LANDS.

Since the last annual report the following leases of tribal lands have been executed:

**Crow Reservation, Mont.**—Five leases, each for the period of one year from June 30, 1894, the date of their approval by the Department. The permit agreement covering district No. 1 is executed in favor of Samuel H. Hardin, of Bingham, Wyo. It is estimated to contain 188,000 acres, at an annual rental of 3 cents per acre, or $5,640. The maximum number of cattle to be held at any one time is limited to 8,500 head.

District No. 2, estimated to contain 191,000 acres, is leased to the Columbia Land and Cattle Company, through its managing director, M. Rosenbaum, of Chicago, Ill., at the rate of 3.95 cents per acre, or $7,544. The maximum number of cattle to be held at any one time is limited to 9,000 head.

District No. 3, leased to Portus B. Weare, of Chicago, Ill., is estimated to contain 199,000 acres, and the price to be paid is 3.51 cents per acre, or $6,984.90; maximum number of cattle, 8,000.

District No. 4, estimated to contain 179,000 acres, at 3.75 cents per acre, or $6,390.30, is held by Thomas Paton, of New York City; maximum number of cattle, 7,500.

The lease covering district No. 5, estimated to contain 89,000 acres, is held by Matthew H. Murphy, of Miles City, Mont., at 3.62 cents per acre, or $3,221.80; maximum number of cattle, 5,000.

**Kiowa and Comanche Reservation, Okla.**—There are no leases in force on this reservation at present. The following leases expired April 1, 1894:

| Name of lessee. | | | | |
|---|---|---|---|---|
| D. Waggoner & Son | Acres | 502,490 | Annual rent | $30,149.40 |
| E. C. Sugg & Bro | do | 342,638 | Do. | 20,558.28 |
| S. B. Burnett | do | 287,867 | Do. | 17,272.02 |
| C. T. He ring | do | 90,000 | Do. | 5,400.00 |
| *J. R. Addington* | do | 81,963 | Do. | 4,917.78 |

The matter of again leasing these pastures was presented to the Department in office letter of March 21, 1894. September 12, 1893, the Department authorized the renewal of the following leases for the period of one year from September 1, 1893, at the uniform rate of 6 cents per acre:

| Name of lessee. | | | | |
|---|---|---|---|---|
| James P. Addington | Acres | 18,380 | Annual rent | $1,102.80 |
| James W. Blasingame | do.. | 36,480 | Do. | 2,188.80 |
| Elisha F. Ikard | do.. | 44,640 | Do. | 2,678.40 |
| Herring & Stinson | do.. | 38,760 | Do. | 2,325.60 |
| Cox & Houston | do.. | 37,440 | Do. | 2,246.40 |
| William A. Wade | do.. | 74,880 | Do. | 4,492.80 |

On November 2, 1893, the Department authorized the leasing of a tract of land of 40,000 acres lying about 6 miles south of Fort Sill to the highest and best bidder. After due advertisement the agent submitted a lease of this tract to Byers Bros. & Featherstone, at 6 cents per acre, for one year from December 20, 1893; annual rental, $2,400. This lease and the six preceding have not received the approval of the Department, to which they were submitted in office letter of February 21, 1894.

**Omaha and Winnebago reservations, Nebr.**—The last annual report mentions two leases on the Omaha Reservation, each for the period of five years from May 1, 1892, at 25 cents per acre per annum, for a total area of 22,604.18 acres, amounting to an annual rental of $5,651.13. Authority for the leasing of additional pastures on the Omaha Reservation for the period of one year was granted by the Department March 14, 1894, and March 17, 1894, the acting agent was instructed accordingly.

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**Kaw Reservation, Okla.**—Reference was made in the last annual report to four leases on the Kaw Reservation which had been executed under Department authority of February 23, 1893, but had not been approved owing to defective bonds, etc.

Three of them, each for three years from April 1, 1893, were approved by the Secretary of the Interior during the past year, the respective lessees having filed new bonds in accordance with Department instructions of September 16, 1893. Lease covering district No. 1, esti-

mated to contain 20,400 acres, at 15 cents per acre per annum (annual rental $3,060), held by George T. Hume, and lease covering district No. 3, estimated to contain 9,800 acres, at 15¼ cents per acre per annum (annual rental $1,494.50), held by Charles W. Burt, were approved June 27, 1894. Lease covering district No. 4, estimated to contain 10,920 acres, at 17½ cents per acre per annum (annual rental $1,911), held by Homer Morris, was approved August 21, 1894.

Lease covering district No. 2, estimated to contain 10,709 acres, at 15 cents per acre per annum (annual rental $1,606.35), was executed in favor of Thomas J. Bennett. June 20, 1894, the acting agent reported that Mr. Bennett could not be found; hence that new bond could not be filed in his case. The matter was reported to the Department on July 6, 1894, and it replied August 7, 1894, directing that the lands embraced within the "Bennett pasture" be informally leased for the period ending April 1, 1896, and August 21, 1894, the acting agent was so instructed.

May 16, 1894, the Department approved a lease for 9,000 acres, executed in favor of Drury Warren, for two years from April 1, 1894, at an annual rental of 12½ cents per acre, amounting to $1,125 annually.

June 27, 1894, the Department approved a lease for 4,800 acres, executed in favor of J. D. Harkleroad, for two years from April 1, 1894, at an annual rental of 17 cents per acre, amounting to $816 annually.

These two leases cover the greater portion of the lands leased last year by the Indians to certain members of the tribe and of the council, which leases were not authorized either by the Department or this office. Mention of these unauthorized leases was made in the last annual report.

**Ponca Reservation, Okla.**—East Ponca pasture, estimated to contain 33,000 acres, leased to Hezekiah G. Williams for one year from April 1, 1894, at an annual rental of $3,000; lease approved by the Secretary of the Interior on March 15, 1894. West Ponca pasture, estimated to contain 33,000 acres, leased to George W. Miller for one year from April 1, 1894, at an annual rental of $3,010; lease approved by the Secretary of the Interior on April 30, 1894.

**Otoe and Missouria Reservation, Okla.**—East Otoe pasture, estimated to contain 60,000 acres, leased to Isaac T. Pryor for one year from April 1, 1894, at an annual rental of $3,000; lease approved by the Secretary of the Interior on March 15, 1894. West Otoe pasture, estimated to contain 40,000 acres, leased to Frank Witherspoon for one year from April 1, 1894, at an annual rental of $2,600; lease approved by the Secretary of the Interior on March 15, 1894.

**Shoshone Reservation, Wyo.**—Two leases, each for the period of one year from March 1, 1894. Range No. 3, estimated to contain 100,171 acres, is leased to S. R. Stagner at an annual rental of $500.86. Range No. 4, estimated to contain 283,520 acres, is leased to James K. Moore at an annual rental of $708.80. Both of these leases were approved by the Department on April 13, 1894. Ranges 1 and 2 are not under lease.

**Uintah Reservation, Utah.**—No additional leases have been made on this reservation during the past year. Reference is made to the last annual report for a statement of the leases now in force.

On August 4, 1894, at 10:30 a. m., Amasa Thornton, one of the directors of the American Asphalt Company, filed in this office, in duplicate, the map of the definite location of the lands selected by the company for mining purposes, which lease is referred to in the last annual report. Said map, under instructions from the Department of date November 8, 1893, should have been filed on or before August 1, 1894. The map and all the important facts in relation thereto were submitted to the Secretary of the Interior for his action with office letter of August 20, 1894.

## BUSINESS COMMITTEES IN CONNECTION WITH THE CONVEYANCE OF INDIAN LANDS.

By the eleventh section of the sundry civil appropriation act of March 3, 1859 (11 Stats., 430), the Secretary of the Interior was authorized to cause patents to issue to any Indians and their heirs who, by the terms of any Indian treaty in Kansas Territory, were entitled to separate selections of land and to a patent therefor, upon such conditions and limitations and under such guards and restrictions as might be prescribed by him. Under this authority patents have issued to several tribes of Indians, with a restrictive clause that the tracts therein described "shall never be sold or conveyed by the grantee or his heirs without the consent of the Secretary of the Interior, for the time being," and rules and regulations have from time to time been issued to be observed in the execution of conveyances of lands so patented. One of these rules requires the certificate of the chiefs of the tribe as to the identification of the patentee, or in case of death as to who are the heirs and their identification.

There are certain other tribes whose lands are held under such restricted patents, among them the "not so competent" members of the Saginaw, Swan Creek, and Black River bands of Chippewa Indians, in Isabella County, Mich. These Indians have been without an agent for a number of years, and several factions in the bands have arisen, each claiming to represent the tribe. When deeds for the "not so competent" class have been forwarded for approval the certificate of different sets of chiefs would appear just as the vendors happened to belong to one or the other faction, until the office became embarrassed thereby in the settlement of the question of heirship.

The matter was reported to the Department June 20, 1893, with a recommendation that a special agent be appointed to make an investigation of the affairs of this tribe and to nominate five of the best and most business-like men, and most reliable in their knowledge of the families of the tribe, to serve as a business committee for the purpose of determining the question of descent. Authority was given July 14,

and Special Agent Cooper, under his instructions, reported, September 14, 1893, the names of five men, viz: Andrew Jackson, Joseph Bradley, Elijah Pilcher, Peter Bennett, and Philip Gruet, who were subsequently (October 9, 1893) appointed by the Secretary of the Interior as the business committee for the purpose herein specified.

Similar contentions arose among the Shawnees in the Cherokee Nation, Indian Territory. At their election for chiefs and council in September, 1893, each party, one headed by H. F. A. Rogers, the other by Charles Bluejacket, claimed to have elected its own ticket. Agent Wisdom was called upon to make an investigation of the fairness of the election; but when he made his report, April 20, 1894, party spirit ran so high that the suggestion was made that the election of chiefs be annulled, and that a business committee of seven persons be appointed from the best representative men of both parties to act in the same capacity as the Chippewas on the Isabella Reservation in Michigan. This seemed particularly advisable, since chiefs within the Cherokee Nation, other than their own chiefs, would not be acceptable to the Cherokees, and the creation of such an office would not be in harmony with the agreement whereby the Shawnees became incorporated in and a part of the Cherokee Nation. In accordance with these views, a business committtee was appointed June 4, 1894, consisting of Charles Bluejacket, Johnson Blackfeather, Henry F. A. Rogers, Charles C. Cornatzer, Thomas Dougherty, Stephen Bluejacket, and John H. Bailey. These men have accepted the position, and are performing their duties promptly, faithfully, and satisfactorily to their tribe and to the Government.

## INDIAN LANDS SET APART TO MISSIONARY SOCIETIES.

In furtherance of its policy of granting to missionary and religious societies the temporary use and occupancy of Indian lands for religious and educational purposes, or in carrying out special legislation, the office, during the past year, by your authority and with the consent of the respective Indians, has set apart within several reservations certain specified tracts of land for the use of the respective denominations applying therefor, in order that they might have a fixed habitation and the better carry on their missionary labors. The lands so reserved are as follows:

TABLE 11.—*Lands set apart on Indian reservations for the use of religious societies from August 24, 1893, to August 28, 1894.*

| Name of church or society. | Number of acres. | Reservation. |
|---|---|---|
| Roman Catholic | 40 | Quapaw, Ind. T. |
| American Baptist Home Missionary Society | 160 | Wichita, Okla. |
| Methodist Episcopal | 160 | Klamath, Oreg. |
| Roman Catholic | 160 | Yakima, Wash. |
| Mennonite Mission Society | 40 | Moquis, Ariz. |
| Roman Catholic | 10 | Crow, Mont. |
| Presbyterian Board of Foreign Missions | 40 | Fort Peck, Mont. |
| Presbyterian | 2 | Lower Brulé, S. Dak. |

TABLE 11.—*Lands set apart on Indian reservations for the use of religious societies from August 24, 1893, to August 28, 1894*—Continued.

| Name of church or society. | Number of acres. | Reservation. |
|---|---|---|
| Evangelical Lutheran, General Synod of Wisconsin | 10 | San Carlos, Ariz. |
| Plymouth Congregational | 2 | Cheyenne and Arapaho, Okla. |
| Protestant Episcopal | 40 | Pine Ridge, S. Dak. |
| Do | 120 | Rosebud, S. Dak. |
| United Presbyterian | 14.74 | Warm Springs, Oreg. |
| Protestant Episcopal | 54.85 | White Earth, Minn. |
| Do | (*) | Navajo, N. Mex. |
| Order of St. Benedict, Roman Catholic | 80 | White Earth, Minn. |
| Hobart Mission, Protestant Episcopal | 1 | Oneida, Wis. |
| Missionary Society, Methodist Episcopal Church | †160 | Blackfeet, Mont. |
| American Missionary Association (Congregational) | 40 | Fort Berthold, N. Dak. |

* Enough land to establish a missionary hospital. Amount not stated.
† Granted in 1891 to the Woman's National Indian Association, but surrendered by them in favor of the Methodist Episcopal Church.

In each of the above cases the amount of land assigned is the amount asked for by the society desiring to occupy it. It is customary also to allow to such societies the use for building purposes of stone or timber found on the respective reservations.

A table giving all the lands on Indian reservations so set apart for missionary purposes will be found on page ——. Indians have rarely withheld consent for such use of their lands.

As far as the office is concerned, missionary work among Indians by any and all denominations has its hearty consent and encouragement, and all suitable facilities for its prosecution are cordially extended. Among the places named in the above table are several points where missionary labors are this year being undertaken for the first time. It is gratifying to note the spread of such work onto new ground as well as its continuance on the older fields.

## RAILROADS ACROSS RESERVATIONS.

### GRANTS SINCE LAST ANNUAL REPORT.

Since the date of the last annual report, Congress has granted the following railroad companies rights of way across Indian lands:

**Indian and Oklahoma Territories.**—*Kansas, Oklahoma Central and Southwestern Railway Company.*—By act of Congress approved December 21, 1893 (Public, No. 9, and p. —— of this report), the Kansas, Oklahoma Central and Southwestern Railway Company was granted right of way through the Indian and Oklahoma Territories, including lands that have been allotted to Indians in severalty or reserved for Indian purposes, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Montgomery, and running thence by the most practicable route through the Indian Territory to the west line thereof, thence in a south or southwesterly direction by the most practicable route into and through Oklahoma Territory to a point on the Texas State line and on Red River between said State of Texas and the Comanche and Apache

By an act of Congress approved July 18, 1894 (Public, No. 113, and p. —— of this report), the *St. Paul, Minneapolis and Manitoba Railway Company* was granted right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac reservations, in Minnesota; such right of way to be 50 feet in width on each side of the central line of the road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of the right of way; also grounds adjacent to such right of way for station buildings, etc., not exceeding 200 feet in width by a length of 3,000 feet, to the extent of two stations within the limits of each reservation. No maps of definite location of the line of the road have yet been filed for approval.

By act of Congress approved August 27, 1894 (Public, No. 220, and p. —— of this report), the *Duluth and Winnipeg Railroad Company* was granted right of way for the extension of the line of its road and for a telegraph and telephone line through the Chippewa and White Earth Indian reservations, in Minnesota, commencing at some point on its already constructed line in said State and running thence in a general westerly or northwesterly direction, by such route as shall be deemed advisable, to some point on the western or on the northern boundary line of the State, between the Red River of the North and the Lake of the Woods, or to both such points; such right of way to be 50 feet in width on each side of the central line of the road; and the company is also granted the right to take from the lands adjacent to the line of the road material, stone, and earth necessary for the construction thereof; also grounds adjacent to the right of way for station buildings not to exceed in amount 200 feet in width and 3,000 feet in length, to an extent not exceeding one station for each 10 miles of road constructed within the limits of said reservations. No maps of definite location of the line of the road through the reservations have yet been filed for approval.

By act of Congress approved August 23, 1894 (Public, No. 206, and p. —— of this report), the *Northern Mississippi Railway Company* was granted a right of way for the extension of the line of its road through the Leech Lake, Chippewa, and Winnebagoshish Indian reservations, in the State of Minnesota, such right of way to be 50 feet in width on each side of the central line of the road; and the company is also granted the right to take from the lands adjacent to the road material, earth, and stone necessary for the construction of the same; also ground adjacent to the right of way for station buildings not exceeding 200 feet in width by 3,000 feet in length, to the extent of one station for every 10 miles of road constructed through the reservations. No maps of definite location of the line of the road have yet been filed for approval.

GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

**Indian and Oklahoma Territories.**—The last annual report mentions that the *Chicago, Rock Island and Pacific Railway Company* secured by Congressional action a right of way through the Indian Territory, as an extension of its line of road, from Chickasha station, on its present line, running thence in a southeasterly direction to the south line of the Territory; also from said Chickasha station running thence in a southwesterly direction to the west or south line of the Territory of Oklahoma. No maps of definite location of these extensions have yet been filed for approval.

It was also stated that the company had been granted the right to use, for railroad purposes, two additional strips of land at Chickasha station; also land for a Y in sections 21 and 22, in township 7 north. range 7 west, of the Indian meridian. September 28, 1893, the company filed maps showing the definite location of said grants of land. These maps were approved by the Secretary of the Interior on October 9, 1893. June 23, 1894, the company tendered a draft for $1,593 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1894.

*Choctaw Coal and Railway Company.*—The company has filed reports showing amount of coal mined monthly in the Choctaw Nation, in accordance with the provisions of the act of Congress approved October 1, 1890 (26 Stats., 640). July 11, 1894, the company tendered a draft for $1,005 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1894.

*Denison and Northern Railway Company.*—As mentioned in the last annual report, this company was granted a right of way through the Indian Territory by act of Congress approved July 30, 1892 (27 Stats., 336). No maps of definite location of the line of the road have, however, yet been filed for approval.

*Hutchinson and Southern Railroad Company.*—Mention is made in the last annual report of the filing and approval of maps of definite location of the line of road of this company through the Cherokee Outlet; also the filing and approval of six maps of station grounds. All of these maps were transferred, on request, to the General Land Office on August 25, 1893. So far as this office is aware, no portion of the road has been constructed.

*Gulf, Colorado and Santa Fé Railway Company.*—Under date of June 19, 1894, the company, through its attorneys in this city, was called upon for payment of the annual tax of $15 per mile for fiscal year ending June 30, 1894. Up to date compliance with such request has not been made.

*The Southern Kansas Railroad* (leased to the Atchison, Topeka and Santa Fé Railroad Company).—June 19, 1894, the receivers of the latter mentioned company tendered drafts aggregating $107.40 in payment

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*The Southern Kansas Railroad* (leased to the Atchison, Topeka and Santa Fé Railroad Company).—June 19, 1894, the receivers of the latter mentioned company tendered drafts aggregating $107.40 in payment

of the annual tax of $15 per mile for that portion of the road extending through the Chickasaw Nation and the Cheyenne and Arapaho Reservation, a total distance of 7.16 miles, for the fiscal year ending June 30, 1894.

*Kansas and Arkansas Valley Railway Company.*—July 9, 1894, the company tendered a draft for $2,444.55 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1894.

*Denison and Washita Valley Railroad Company.*—July 14, 1894, the company tendered a draft for $150 in payment of the annual tax of $15 per mile on that portion of the road extending through Indian lands, for the fiscal year ending June 30, 1894.

*Gainesville, Oklahoma and Gulf Railway Company.*—As mentioned in the last annual report, this company was granted right of way through the Indian Territory by act of Congress approved February 20, 1893 (27 Stats., 465). No maps of definite location of the line of the road have been filed for approval.

*Gainesville, McAllister and St. Louis Railway Company.*—The last annual report states that by act of Congress approved March 1, 1893 (27 Stats., 524), this company was granted a right of way through the Indian Territory. No maps of definite location of the line of road have yet been filed for approval.

*Interoceanic Railway Company.*—The last annual report states that by act of Congress approved March 3, 1893 (27 Stats., 747), this company was granted right of way through the Indian Territory. No maps of definite location of the line of the road have yet been filed for approval.

*Kansas City, Pittsburg and Gulf Railway Company.*—As mentioned in the last annual report, this company was granted right of way through the Indian Territory by act of Congress approved February 27, 1893 (27 Stats., 487). No maps of definite location of the line of the road have yet been filed for approval.

**Devils Lake Reservation, N. Dak.**—The last annual report referred to the fact that the *Jamestown and Northern Railway Company* had never paid for its right of way through the above reservation. A full history of this case is printed in House Ex. Doc. No. 3, Forty-eighth Congress, second session, and Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which attention is invited. On a number of occasions this office has recommended that Congress ratify the agreement entered into July 28, 1883, between the company and the Indians; but no final action has yet been taken.

**Puyallup Reservation, Washington.**—The last annual report mentions an attempt by one Frank C. Ross to construct a railroad across the Puyallup Reservation, without first having secured from Congress a right of way for that purpose, and states that he was prevented, by the aid of the military, from carrying out his designs; also that said Ross

procured an injunction against Agent Eells and the United States officers in command of the troops. Said injunction case is still pending in the higher courts.

**Menomonee Reservation, Wis.**—Mention is made in the last annual report of the fact that by act of Congress approved July 6, 1892 (27 Stats., 83), the *Marinette and Western Railway Company* was granted a right of way through the above reservation. No maps of definite location of the line of the road have yet been filed.

**Old Delaware Reservation, Kans.**—The Indian appropriation act approved July 13, 1892 (27 Stats., 126), authorizes and directs the Attorney-General to institute necessary legal proceedings against the *Leavenworth, Pawnee and Western Railroad Company*, its successors or assigns, for recovery of the amounts found by the Interior Department to be due from said railroad company, its successors or assigns, under the last paragraph of the second article of the treaty with the Delaware tribe of Indians of May 30, 1860, and under the concluding clause of the third article of said treaty, and for damage done the said Indians in the taking and destruction of their property by said railroad company. November 22 and December 14, 1892, and June 14, 1893, this office gave the Attorney-General, through the Secretary of the Interior, such information from its files and records as was thought would be of use to him in instituting and maintaining said suit. This office is not advised as to whether the suit has been instituted.

**La Pointe, or Bad River Reservation, Wis.**—The eight right of way deeds from individual patentees of lands on this reservation for right of way of the *Duluth, South Shore and Atlantic Railway Company* (formerly the Duluth, Superior and Michigan Railway Company), granting an easement only, mentioned in the last annual report, were returned to this office by Acting Agent Lieut. Mercer October 14, 1893. October 20, 1893, they were transmitted to the Secretary of the Interior with the request that they be submitted to the President for his approval. March 12, 1894, they were returned to this office by the Secretary, bearing the approval of the President, dated March 9, 1894. March 19, 1894, they were sent to Acting Agent Mercer for delivery to the proper officer of the company and for collection of the compensation agreed upon in each particular case.

**Crow Reservation, Mont.**—January 22, 1894, the attention of the office was called to a much-desired change in the location of the line of the road of the *Big Horn Southern Railroad Company*, in section 3, near the agency buildings, and on that date the company submitted for approval a map of a portion of said section, showing the desired change. January 27, 1894, the map was submitted to the Department and it was approved January 30, 1894. February 3, 1894, a blue-print copy of the original was transmitted to Agent Wyman, of the Crow Agency, for the use of the agency.

**The Great Sioux Reservation, in the Dakotas.**—January 19, 1894, the Department referred to this office for report a communication of Clark

S. Rowe, esq., of Chamberlain, S. Dak., dated January 15, 1894, addressed to Hon. James H. Kyle, in which the writer requested the issuance of a proclamation by the President declaring that the *Chicago, Milwaukee and St. Paul Railroad Company* had forfeited its right to construct its line of road through the lands formerly embraced within the Great Sioux Reservation, under the provisions of section 16 of chapter 405 of an act of Congress approved March 2, 1889 (25 Stats., 893). The facts in relation to the communication of Mr. Rowe were reported to the Secretary of the Interior January 24, 1894. This office has not yet been advised of the action taken by the Department on Mr. Rowe's request.

**Fond du Lac Reservation, Minn.**—April 6, 1893, the acting agent of the La Pointe Agency called attention to the fact that the Indians of the Fond du Lac Reservation had never been paid for the right of way of the *Northern Pacific Railroad Company* through their reservation lands. This office presented the facts to the company's attorney in this city April 17, 1893, and requested to be informed as to what action the company proposed to take looking to an early settlement of the claim. To this the attorney replied, May 19, 1893, denying the liability of the company to pay the Indians for their right of way across the reservation. With a view to instituting legal proceedings against the company, the facts were submitted to the Department June 3, 1893, with the request that this office be informed as to what further steps should be taken in the matter. To this the Department replied, February 13, 1894, transmitting an opinion of the Assistant Attorney-General for the Interior Department, dated January 22, 1894, in which the Department concurred, wherein it is held that the company is legally liable to the Indians for right of way. Before taking further action in the matter this office deemed it advisable to acquaint the company of the decision of the Department. This was done February 23, 1894. So far the company has taken no action looking to the settlement of the claim.

## CONDITIONS TO BE COMPLIED WITH BY RAILROAD COMPANIES.

In the construction of railways through Indian lands a systematic compliance by companies with the conditions expressed in the right-of-way acts will prevent much unnecessary delay. I therefore repeat the requirements which have already been given in previous reports. Each company should file in this office—

(1) A copy of its articles of incorporation, duly certified to by the proper officers under its corporate seal.

(2) Maps representing the definite location of the line. In the absence of any special provisions with regard to the length of line to be represented upon the maps of definite location, they should be so prepared as to represent sections of 25 miles each. If the line passes through surveyed land, they should show its location accurately, according to the sectional subdivisions of the survey; and if through unsurveyed

land, it should be carefully indicated with regard to its general direction and the natural objects, farms, etc., along the route. Each of these maps should bear the affidavit of the chief engineer, setting forth that the survey of the route of the company's road from —— to ——, a distance of —— miles (giving termini and distance), was made by him (or under his direction), as chief engineer, under authority of the company, on or between certain dates (giving the same), and that such survey is accurately represented on the map. The affidavit of the chief engineer must be signed by him officially and verified by the certificates of the president of the company, attested by its secretary under its corporate seal, setting forth that the person signing the affidavit was either the chief engineer or was employed for the purpose of making such survey, which was done under the authority of the company. Further, that the line of route so surveyed and represented by the map was adopted by the company by resolution of its board of directors of a certain date (giving the date) as the definite location of the line of road from —— to ——, a distance of —— miles (giving termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved —— (giving date).

(3) Separate plats of ground desired for station purposes, in addition to right of way, should be filed, and such grounds should not be represented upon the maps of definite location, but should be marked by station numbers or otherwise, so that their exact location can be determined upon the maps. Plats of station grounds should bear the same affidavits and certificates as maps of definite location.

All maps presented for approval should be drawn on tracing linen, the scale not less than 2,000 feet to the inch, and should be filed in duplicate.

These requirements follow, as far as practicable, the published regulations governing the practice of the General Land Office with regard to railways over the public lands, and they are of course subject to modification by any special provisions in a right-of-way act.

## LOGGING BY INDIANS.

**Menomonee Reservation, Wis.**—On the 21st of September, 1893, this office received the following letter from Thomas H. Savage, agent of Green Bay Agency, Wis., in regard to wasteful cutting of pine on the Menomonee Reservation:

I have the honor to state that the superintendent of logging and myself have recently visited and examined a considerable portion of the pine lands cut over in the past three winters and find that there is now not less than 20 per cent of the original amount of pine left standing on the lands supposed to be cut. I am creditably informed that during the logging season each year the late superintendent gave orders to the Indians that no tree that had the slightest defect should be cut, and to cut no Norway pine. The result of these orders is as stated above, thus leaving

this timber to go to waste, and with this dry season it is in imminent danger of being destroyed by fire.

The timber that has been cut is that which was most convenient for banking. The remaining timber not cut over is so remote from the streams that under the law under which the cutting and banking has heretofore been done, it is hardly practicable to put in the 20,000,000 feet for the amount appropriated for that purpose.

I am of the opinion that the law should be amended so as to permit the paying a higher price to contractors; an appropriation of $125,000, or so much of it as was necessary, I do not think would be out of place.

In relation to the cut-over lands I would respectfully suggest that the Indians be allowed to go on and relumber that on the same terms that shingle bolts were got out, to wit: All the logs minus scaling, miscellaneous expense, and the 10 per cent for the poor. This would furnish them employment pending an action of Congress, making a larger appropriation for banking logs, and on the sale of logs so got out furnish them the means of going on without incurring so much indebtedness.

If this arrangement could be made I think it would be much better, if it can be done, that no more new cutting be done until a larger appropriation for the purpose is made.

In conclusion, I would respectfully request that an inspector be sent here to investigate and report on what is necessary. The time for preparation for the winter's work is near at hand and I only regret that this matter has not been reported to on earlier.

To the above this office replied, October 18, 1893, as follows:

I am in receipt of your communication of 18th ultimo, in regard to logging by the Menomonees, and I am also in receipt of a letter from Gen. E. Whittlesey, secretary board of Indian commissioners, in reference to the same subject, wherein he takes a nearly similar view of the matter to yours.

It appears that the cutting during the last three or four seasons has been badly managed; that the best trees only were selected, and that 20 per cent of 13,000,000 feet has been left to go to waste.

It appears further that, owing to the scattered condition of this timber, and the fact that much of it is faulty, it can not be banked as cheaply, nor is it likely to bring as much as that banked by these Indians heretofore, under the provisions of the act of June 12, 1890, and you suggest that the act be amended so as to allow $125,000 to be used in paying for the banking in place of only $75,000, or that the Indians be allowed to bank this timber and receive the entire proceeds of its sale, except the necessary expense for scaling, etc., and 10 per cent for the poor fund. In these suggestions Gen. Whittlesey agrees with you substantially.

In reply you are informed that so long as the act stands its provisions must be strictly complied with, and there is no likelihood of any change being made in it in the near future, as it would be almost impossible to obtain any new legislation in regard to it at present.

You will therefore consult with the logging superintendent and submit to this office at as early a day as practicable a set of rules to govern the logging operations of these Indians during the coming season, which rules, however, must be in strict harmony with the act.

To this the agent replied, October 27, 1893, viz:

I have the honor to state, in reply to letter of October 18, 1893, instructing me to consult with the logging superintendent and submit a set of rules to govern logging operations during the coming season, to be in strict harmony with the act, that after carefully considering what is most needful for the Indians and to their best interests, and a study of the rules adopted by the Indian Department in letter of September 28, 1892, for logging operations for the winter of 1892 and 1893, we have concluded that no better set of rules could be formulated in the limited time, and I

respectfully recommend that these rules be adopted for the logging operations of the coming winter with the one amendment that the limit to pay no more than $5 per M feet be modified so as to allow of $6 per M to be paid in contracts where the logging superintendent shall deem it necessary to do so.

In this connection I should like to be instructed as to the interpretation of the law as to the amount to be lumbered. Can the $75,000 set apart for the work be expended on any less amount than the 20,000,000 feet B. M. which the act provides shall not be exceeded?

November 1, 1893, I addressed the following communication to the Department:

I have the honor to submit a communication from Thomas H. Savage, agent at Green Bay Agency, Wisconsin, in reply to a request from this office that he and the superintendent of Menomonee logging, under act of June 12, 1890 (26 Stats., 146), would prepare for your approval, as required by the act, a set of rules to govern their logging operations during the coming winter.

Agent Savage states that he considers the rules which were in force last season can not be improved upon, except that the limit in the first section of $5 per M feet as the highest price to be paid for logging is too low and should be placed at $6.

He does not give his reason for the recommendation, but they are apparent from the facts stated in the inclosed communications, to wit: The good timber is now farther from the river banks, and new roads will have to be made, and, owing to bad management of the former superintendent, the cutting so far has been very irregular, much valuable though defective timber having been left standing scattered on the land cut over, which it is proposed shall now be banked, if practicable.

In view of all the facts I respectfully recommend that the rules established for last season be again approved, with this modification, viz:

1. That the agent at Green Bay Agency, Wis., with the assistance of the superintendent of logging, enter into agreements with individual Menomonees, to pay each a certain price for timber delivered upon the river banks; separate contracts to be made for delivery of pine from those made for delivery of other kinds of timber; that in no case shall more than $6 per M feet be paid for pine or $2.50 per M feet for any other kind of timber; and that all agreements shall be made subject to the approval of the Commissioner of Indian Affairs.

2. That each contractor, or boss of a squad, be paid a rate, to be agreed upon, for cutting and banking timber, in proportion to and in harmony with all the conditions under which the timber he is to cut and bank is situated; the location of each contractor's timber, price to be allowed him per M feet, and number of feet he will be allowed to bank to be determined upon and named in each contract before signing; said contracts to be executed in duplicate, one copy to be handed to the logger, and all necessary instructions given to him before he commences operation, to abide by which he must signify his full consent.

3. That a definite time be agreed upon and named in each contract for commencing work by each contractor, and a date fixed by the agent and superintendent, of which due notice will be given to the Indians, after which no more applications for the privilege of logging will be received, or contracts made.

4. That any contractor banking more logs than his contract calls for shall forfeit the surplus.

5. That a sufficient number of scalers and assistant scalers be employed to keep the logs scaled up every week, and to be sworn to perform their duties faithfully, the scalers to be paid $2.50 per day and the assistant scalers $2 per day each, without board.

6. That the scalers make report to the agent every two weeks, showing the exact number of feet banked by each contractor during that time.

7. That when one-half of the logs contracted for by any Menomonee shall be banked as required and measurement of the same returned to the agent, 50 per cent

of price for banking such logs may be paid to such contractor; and when the entire contract shall be completed, full payment shall be made on the 15th day of April, 1894, or as soon thereafter as practicable, and the logger shall pay all arrearages for labor at this latter payment.

8. That contractors shall pay a fair, reasonable, and usual rate of wages to their assistants, and shall, under the supervision of the superintendent, furnish the agent with a monthly statement showing the amount due to each laborer at the end of every month.

9. That no outside Indian be allowed to assist in banking Monomonee logs without the consent of the agent and superintendent, Menomonee Indians to have the preference in all cases.

10. That no squawman or white man of any class be allowed to take part in the logging, in any capacity whatever, except when authorized by the agent and approved by the Department.

11. That no contractor shall be interested in more than one contract at the same time.

12. That all traders or other persons supplying the Indians with goods for the logging be required to furnish a price list, a statement of their accounts with the Indians, and whenever so required an itemized statement of goods furnished.

13. That the agent may give the contractor a statement showing the amount then due and the amount (50 per cent) reserved for labor, provided that it is expressly stated that neither the Government nor the agent guarantees any part of the indebtedness that the logger may incur.

14. That no logs are to be scaled unless properly landed and marked, and landings and rollways cleared before logs are landed.

November 4, 1893, these rules were returned approved, as follows:

I acknowledge the receipt of your communication of 1st instant, relative to logging operations by the Menomonee Indians for the season 1893–'94.

Authority is hereby granted for your office to instruct the agent of the Green Bay Agency, Wis., to employ, at reasonable compensation, the Menomonee Indians to cut and bank as hereafter provided not exceeding 20,000,000 of feet of timber on the lands reserved for them, and, in accordance with your recommendation, the rules governing last year's logging operations by the said Indians, under the provisions of the act of June 12, 1890 (26 Stats., 146), modified as set out in your letter so as to allow not more than $6 per M feet to be paid for pine timber, instead of $5 per M feet for said timber, are hereby approved for the season 1893 and 1894, and you are hereby directed to instruct the agent of the Green Bay Agency to confine the cutting so that the dead and down timber and the timber left standing scattered on the land heretofore cut over shall be cut and banked before any new lands are cut over, and in the cutting of tops and butts into shingle bolts you will direct that no timber which will make a merchantable saw log shall be cut into shingle bolts.

November 8, 1893, I instructed Agent Savage as follows:

Your communication of 27th ultimo was received, wherein you stated that the rules adopted last year for logging are as good as you can now formulate, except that the maximum sum to be paid for banking pine timber should be placed at $6 instead of $5 per M feet, as in the former bill.

In view of your explanation, and on recommendation of this office, the Department, under date of 4th instant, has approved the rules for last year and authorized them to be used this year, except that $6 may be paid, when actually necessary and proper, for banking pine timber. I will inclose a copy of the Secretary's letter for your information.

You will observe that you are to confine the cutting to dead and down timber and the timber left standing scattered on the land heretofore cut over until the 20,000,000 feet is banked.

In addition to the 20,000,000 to be cut under the provisions of the act, the Menomonees may cut the tops and butts into shingle bolts, but no timber that will make a merchantable saw log is allowed to be cut into said shingle bolts.

As there have been many abuses of these privileges granted the Menomonees, it is expected that you and the superintendent of logging will carefully watch them all the time while they are at work, and see that there is no deviation from the rules laid down in this Department letter.

As will be understood by the foregoing, the logging prospect was not so good this season as formerly, but I was determined to prevent wasteful cutting in future, and I hoped that under the care of the new agent and a new superintendent of logging—a superintendent having been appointed who was highly recommended as a practical and reliable man—such good work would be accomplished that the Indians would be satisfied.

Under these instructions the agent and logging superintendent made seventy-two contracts with the loggers at prices ranging from $4 to $6.

Under the circumstances in which the logging had to be carried on, it was not expected that the entire 20,000,000 feet allowed by the act could be banked, which proved true, as only about 14,000,000 feet were banked.

February 7, 1894, Agent Savage requested authority to advertise the logs for sale. This was earlier in the season than usual, but he explained that he believed early sales would secure better prices. This request was submitted to the Department, and February 26, 1894, the following authority was received:

In compliance with the recommendation contained in your communication of 24th instant, authority is hereby granted for the agent of the Green Bay Agency, Wis., to publish an advertisement, as per the form herewith returned, in the weekly editions of the Shawano County Advocate, Enquirer, of Oconto, the Advocate, of Green Bay, Wis., two times in the regular issues succeeding the date of the receipt of this advertisement, and for six days from date of receipt of this advertisement, covering six consecutive insertions in the daily editions of the Oshkosh Times, of Oshkosh, Wis., inviting sealed bids for about 13,280,000 feet of pine logs cut on said reservation by Menomonee Indians during the season 1893-'94, under the provisions of the act of June 12, 1890 (26 Stats., 146), to be opened in the presence of the bidders in the office of the Green Bay Agency, at Keshena, Wis., at 2 o'clock p. m., March 15, 1894.

And authority is also hereby granted for said agent to expend a sum not exceeding $5 in having posters printed to further advertise said logs.

The sale and disposition of the proceeds to conform in all other respects with the provisions of the act of June 12, 1890, above referred to.

The agent was instructed accordingly, and he inserted the following advertisement in the various papers named:

MENOMONEE INDIAN LOGS FOR SALE.

Sealed proposals, marked "Bids for Menomonee logs," addressed to the undersigned, will be received until 2 o'clock p. m., March 15, 1894.

There are to be sold 13,280,000 feet, more or less, of pine logs now banked, or to be banked, partly on the South Branch of the Oconto River and partly on the Wolf

River and tributaries, on the Menomonee Reservation, in Wisconsin, in five lots, and in quantities nearly as follows:

2,850,000 feet on Wolf River, marked U. S. 1.

3,480,000 feet on Little West Branch of Wolf River, marked U. S. 3.

1,056,000 feet on West Branch of Wolf River, marked U. S. 2.

3,606,830 feet below dam on South Branch of Oconto River, marked U. S. 5.

2,287,170 feet above dam on South Branch of Oconto River, marked U. S. 6.

Separate bids will be considered for each lot. The logs will be scaled by sworn scalers, whose work can be readily tested.

Payment for the logs must be made within ten days after notification of a confirmation of sale.

No logs to be removed from the reservation until paid for.

Each bid to be considered must be accompanied by a certified check for 5 per cent of the amount of the bid (or as near that per cent as practicable to ascertain) on some U. S. depository or solvent national bank, drawn to the order of the undersigned as U. S. Indian agent.

The bids will be opened in the presence of the bidders in the office of the Green Bay Agency, at Keshena, Wis., at 2 o'clock p. m. of March 15, 1894.

Awards will be made to the highest bidder or bidders, but no sale to be valid until confirmed by the honorable Commissioner of Indian Affairs and the honorable Secretary of the Interior, who reserve the right to reject any or all bids, if to do so is believed to be for the best interest of the Indians.

Checks of parties whose bids are not accepted will be returned to them after the sale has been consummated.

If parties whose bids are accepted fail to comply with the requirements of the Indian Department, in the purchase or payment for said logs as advertised, their checks will be forfeited, and the logs awarded to the next bidder or bidders, or so resold, as may be deemed for the best interest of the Indians.

THOS. H. SAVAGE,
*U. S. Indian Agent.*

Keshena, Wis.

March 22, 1894, five bids received by Agent Savage for the logs were submitted to the Department with the following office letter:

I have the honor to report that under authority granted by the Department, dated 26th ultimo, Mr. Thomas H. Savage, Agent, Green Bay Agency, Wis, advertised for sale the logs cut and banked by the Menomonee Indians during the season 1893–'94, and I now inclose the bids he has received for purchase, viz:

| | Per M feet. |
|---|---|
| No. 1, Pine Lumber Company, for all, 13,330,000 feet | $8.18 |
| No. 2, Radford Bros. & Co., for all, 13,330,000 feet | 8.25 |
| No. 3, Oconto Company, for a part, viz, 5,894,000 feet | 9.60 |
| No. 4, Hollister & McMillan, for 7,436,000 feet | 7.00 |
| No. 5, Hollister & McMillan, for all, 13,330,000 feet | 8.35 |

It will be observed that the bid of the Oconto Company, No. 3, for a part, viz, 5,894,000, at $9.60 per M feet, is the highest, and that bid No. 5, of Hollister & McMillan, of $8.35 per M feet, is the highest bid for all. In view of these facts I telegraphed Agent Savage:

If Oconto Company is awarded lots five and six at nine sixty, will Hollister & McMillan take lots one, two, and three only at eight thirty-five?

In reply, inclosed, he says:

Hollister & McMillan will not take lots one, two, and three at eight thirty-five unless lots five and six are included.

The price offered by Hollister & McMillan of $8.35 for all is much lower than the Menomonee timber brought last season, the price received being $13.75 per M feet;

but this season's cutting was over the old ground, and includes dead and down timber, and much of that cut standing had been rejected before as inferior; consequently the quantity banked is not so good as the cut of 1892-'93. It must also be considered that the general scarcity of money has some effect on the price of lumber as well as other merchandise, and as I think, under the circumstances, it would not be of advantage to reject all these bids and readvertise the lumber, I respectfully recommend that bid No. 5, that of Hollister & McMillan, of $8.35 for all, amounting to 13,330,000 feet (more or less), be accepted and the sale confirmed to that firm.

The Department replied the same date as follows:

I have considered your communication of 22d instant, submitting bids received for the purchase of timber cut and banked by the Monomonee Indians during the season of 1893 and 1894, under the provisions of the act of June 12, 1890 (26 Stats., 145), in accordance with the advertisement authorized by Department letter of 26th ultimo.

The bid of Messrs. Hollister & McMillan, being the highest for all the logs cut and banked, is hereby accepted, and authority is hereby granted to sell said logs, amounting to 13,330,000 feet (more or less), to said parties at the price offered by them, $8.35 per thousand feet.

The sale was consequently confirmed to Messrs. Hollister & McMillan, who in due time received the logs, paying therefor $111,305.50.

Out of this money the loggers were paid for banking $52,493.75, and after the other necessary expenses, such as pay of superintendent, assistant superintendent, extra clerical work, scaling, and advertising, the net proceeds were placed to the credit of the Indians, as provided for in the act, viz, one-fifth to be used for the benefit of the Indians at the discretion of the Secretary of the Interior, and the balance to bear 5 per cent interest, to be paid to them per capita, or expended for their benefit as the Secretary of the Interior may direct.

About the time that the Indians had finished banking their logs I received the following letter from the agent, dated February 9, 1894, in regard to utilizing tops and butts by banking them as shingle bolts:

I have the honor to request that I be informed if, under letter of November 8, 1893, I am authorized to allow Menomonees—when they have banked the logs according to their agreements—to proceed to bank shingle bolts from tops and butts and timber that would otherwise be unmerchantable. If I am not so authorized I would respectfully request such authority, and that money be furnished to pay for scaling said shingle bolts, to be refunded from the proceeds of sale of said shingle bolts.

Indians banking shingles to have balance—after paying scaling and all other incidental expense—less 10 per cent for poor fund.

As I anticipated that the regular logging returns would be very limited this season, I addressed the Department as follows, February 19, 1894:

I have the honor to submit a request from Thomas H. Savage, agent, Green Bay Agency, Wis., for authority to allow the Menomonee Indians belonging to his agency to bank as shingle bolts part of the timber on their reservation, which is not suitable for sale as logs or "timber" under provisions of act of June 12, 1890 (26 Stats., 146).

Under date of November 1, 1893, this office submitted to the Department a number of communications in regard to the logging operations by these Indians during the season of 1883 and 1884, wherein the situation is fully explained and application made to allow these Indians to prepare the refuse timber for shingle bolts while they were engaged in banking pine logs under the provisions of the act.

This office is of the opinion that to grant this privilege to these Indians, to take

effect at the same time that they were engaged in banking, (or preparing to be banked) their good, marketable timber, as described in the act, might give them an easy opportunity and present a temptation to them to cut some of the timber "short," so that it would not sell to log dealers, but be of more immediate advantage to the choppers if sold to the shingle men, as it is not subject to the deduction provided for in section 3 of the act, the loggers getting cash in hand all of the funds except 10 per cent of the net amount realized.

These Indians took advantage of similar authority granted them years ago by banking logs for shingle bolts which properly should have been classed as "timber" under the provisions of the act, giving the Department considerable annoyance to adjust, and it was, therefore, believed to be best to wait until their season's regular logging was finished before granting it.

It appears by the letter from the agent, inclosed, dated 6th instant, that they have contracted for banking only about 13,280,000 feet in place of 20,000,000 as allowed in the act, as in compliance with the instructions the work was confined to "dead and down timber left standing, scattered on the land heretofore cut over," which, it appears, limited the possibility of banking the greater quantity.

As the class of timber used for this purpose would otherwise become a total loss in a short time, and as it is of considerable benefit to the Menomonees to be allowed to sell it, I respectfully recommend that authority be granted for them to bank it for that purpose, under similar provisions to those contained in Department letter of February 3, 1893, which reads:

"That the agent and logging superintendent be required to enforce such rules and regulations as will effectually prevent any illegal cutting.

"That the shingle bolts are to be scaled by properly qualified scalers.

"That they are to be advertised and sold by the agent of Green Bay Agency.

"That all expense connected with scaling, advertising, sale, etc., be paid from the proceeds of sale.

"That 10 per cent of the net amount realized be set apart as stumpage or poor fund.

"That the balance remaining be divided among the loggers in proportion to the quantity of shingle-bolt timber each banked, and that every Menomonee who cuts any timber illegally under the authority shall forfeit all he banks."

As the same are modified by the following paragraph of Department letter of November 4, 1893:

"* * * and in the cutting of tops and butts into shingle bolts you will direct that no timber which will make a merchantable saw log shall be cut into shingle bolts."

The quantity to be so banked for sale is not stated, as it will be uncertain, but this is not considered to be material, as the class of timber is not considered a part of that provided for sale by the act.

In compliance with this recommendation the Department, February 20, 1894, issued the following instructions:

I acknowledge the receipt of your communication of 19th inst., and accompanying papers, relative to allowing the Menomonee Indians to bank as shingle bolts part of the timber on their reservation which is not suitable for sale as logs or "timber" under the provisions of the act of June 12, 1890 (26 Stats., 146).

The question of permitting the Menomonees to cut and bank the tops and butts of pine trees cut for sale under the provisions of the act above referred to was considered by the Department, and it held, October 7, 1891, "as the tops and butts are not timber such as was contemplated by the act to be furnished and disposed of, I am of the opinion the same can be used for firewood or shingle bolts, and authority is hereby granted for the disposition thereof under such regulations as you may prescribe."

This authority related solely to the tops and butts of pine trees cut for sale under the act, and did not authorize the cutting of any trees not suitable for sale as logs or timber into shingle bolts.

The authority for this year's cutting, contained in Department letter of November 4 last, confines "the cutting so that the dead and down timber and the timber left standing—scattered on the land heretofore cut over—shall be cut and banked before any new lands are cut over, and in the cutting of tops and butts into shingle bolts you will direct that no timber which will make a merchantable saw log shall be cut into shingle bolts."

There is nothing in this authority which would authorize the cutting of any tree, unmerchantable though it be, wholly into shingle bolts, and the agent's request to cut said class of timber into shingle bolts must be denied unless said timber is to be sold as part of the 20,000,000 feet under the provisions of the act of June 12, 1890.

The tops and butts of trees cut under the authority of November 4, 1893, may be disposed of as shingle bolts under the same rules as were prescribed by Department letter of February 3, 1893, modified by Department letter of November 4, 1893, and the same is so authorized.

These instructions were at once communicated to Agent Savage. In regard to his request that funds be advanced the Indians for the prosecution of the work, I said:

Your request for funds to be advanced the Indians with which to do the work, is not understood, as it has been customary for them to do this shingle-bolt cutting at their own expense and await the proceeds of the sale. As this shingle timber is not cut under the provisions of the act no part of the $75,000 allowed by said act can be used.

These instructions, as I believe, were carefully carried out, and April 4, 1894, Agent Savage asked authority to advertise the bolts, which the Department granted April 12, 1894, as follows:

In compliance with the recommendation contained in your communication of the 9th instant, authority is hereby granted for the agent of the Green Bay Agency, Wis., to publish an advertisement, as per the form submitted and herewith returned, in which dates are to be inserted, in the weekly editions of the Shawano County Advocate; Enquirer, of Oconto; Advocate, of Green Bay, Wis., two times in the regular issues succeeding the date of receipt of the advertisement, and for six consecutive days from date of receipt of the advertisement in the daily editions of the Oshkosh Times, of Oshkosh, Wis., inviting sealed bids to be opened in the presence of the bidders in the office of the Green Bay Agency, Wis., at 2 o'clock p. m., April 25, 1894, for the sale and disposition of 1,753,710 feet of shingle bolts cut by the Menomonee Indians last spring, under Department instructions of February 20, 1894; said sale and disposition to be in accordance with the provisions of the rules contained in Department letter to your office of February 3, 1893.

The bids were opened, as advertised, on April 25, 1894, and transmitted by the agent to this office, and were as follows:

August Anderson, Wolf and Oconto rivers, 1,825,780 feet, at $3.10.
August Anderson, Wolf River, 573,170 feet, at $2.65.
Radford Bros. & Co., Wolf River, 573,170 feet, at $1.80.
S. W. Hollister, Wolf and Oconto rivers, 1,825,780 feet, at $2.50.

The prices offered were so low that I hesitated to accept them, and telegraphed Agent Savage as follows:

Do you recommend acceptance of August Anderson's bid of three ten per thousand feet for all shingle bolts? Or would it be wise to reject all and readvertise? Wire answer.

He replied:

Would recommend acceptance of bid for three ten for all shingle bolts as the best that can be done under circumstances.

I therefore submitted the bids to the Department with the recommendation that August Anderson's be accepted, which was complied with under date of May 5, 1894, and the agent so notified.

The amount, $5,656.82, was duly paid to Agent Savage and will be applied as follows: After all expenses, such as scaling, advertising, etc., are deducted, and 10 per cent for the stumpage or poor fund, the balance will be paid to the Indians who banked the shingle bolts.

While in many instances higher prices were paid for logging this season than in previous years, yet on the whole the Indians did not earn so much, and they are not fully satisfied in regard to the proceeds of their timber operations, thinking that they should result in a great deal more to their credit in the Treasury. I have therefore made this statement full to show that the Department and this office have endeavored to do the best possible for them in every case.

**Lac du Flambeau Reservation, Wis.**—In my annual report for 1893, I gave an account of the efforts made by this office and the Department in 1891 and 1892 to dispose of the dead and down timber on the unallotted lands of the Lac du Flambeau Reservation, in order to afford relief to the Indians thereof who were in a destitute condition. I also reported the fact that September 28,1892, the President authorized the acceptance of a proposal from Messrs. J. H. Cushway & Co., of Ludington, Mich., to operate a saw and shingle mill upon leased property on the reservation, they agreeing to purchase the timber on the allotted lands of the reserve and the dead and down timber on the unallotted lands, at prices favorable to the Indians, and so far as practicable to employ Indians to the exclusion of white men for logging and for work in the mill.

The authority of September 28, 1892, permitted the Indians who had previously received allotments to sell their timber to Messrs. Cushway & Co. There were at that time eighty-nine allottees, and up to the date of my last report contracts had been made by Messrs. Cushway & Co. with all but eleven of them. Their allotments, however, had been already largely cut over by timber purchasers and depredators.

March 9, 1894, the President approved a list of eighty-four new allotments on this reservation, and April 4, 1894, upon the recommendation of this office and the Department, he extended the authority of September 28, 1892, so as to cover these new allotments also. Since that time Messrs. Cushway & Co., having filed a new bond with surety to cover their operations on the reservation, have entered into contract with all of these new allottees and with six of the old allottees with whom no contracts had previously been made, so that all the allottees on this reservation except five have now agreed to sell their timber to Messrs. Cushway & Co. On the approval by this office of each contract with an allottee they are bound under their contract to pay such allottee $50, and annually thereafter, until the timber is cut, 5 per centum of the

estimated value of the timber on the allotment, the same to be deducted from the purchase price thereof. Each allottee will thus be assured of some return every year from his timber, until it is cut and removed.

So far as this office has been advised, the operations of Messrs. Cushway & Co. have been eminently successful in giving the Indians employment and thus providing them means of subsistence. Lieut. Mercer, the acting agent for the La Pointe Agency, has uniformly reported the success of the plan, and the office is encouraged to believe that great benefit will result to the Indians from the operations of this firm on their reservation.

**Bad River Reservation, Wis.**—Until recently the condition of the Chippewas on the Bad River Reservation was as deplorable as that of the Lac du Flambeau Chippewas prior to the granting of authority for the sale of their timber to Messrs. Cushway & Co. October 18, 1893, Lieut. Mercer, acting agent, transmitted to this office a petition numerously signed by the Indians of the Bad River Reservation, praying that a proposition made to them by J. S. Stearns, for the purchase of the timber on their respective allotments, and the dead timber standing or fallen on the unallotted lands of their reservation, be accepted by the Government, the prices offered being considered both by Lieut. Mercer and the Indians as very advantageous.

This proposition was similar to that made by Cushway & Co. for the purchase of timber on the Lac du Flambeau Reservation, the difference being in the variety of timber agreed to be purchased and the prices. These prices were as follows:

| | Per M feet. |
|---|---|
| Shingle timber | $0.65 |
| Merchantable dead pine | 2.00 |
| Merchantable green white pine | 4.00 |
| Green Norway pine | 2.00 |
| Green or sound hemlock | 1.00 |
| Merchantable bass wood | 2.00 |
| Merchantable elm | 2.00 |
| Merchantable maple | 2.00 |
| Merchantable birch | 2.00 |
| Merchantable oak | 4.00 |

Acting Agent Mercer stated that there were undoubtedly 50,000,000 feet of timber on the reservation that had recently been burned, and a great amount of other dead timber, such as windfalls, the greater part of which if left uncut and out of the water would not pay the cost of removal; also that the Indians on the reservation were practically without work, and most of them without provisions, to carry them through the winter, and that the prices offered by Mr. Stearns were very much higher than those offered by a number of other lumber dealers in the vicinity of the reservation to whom he had applied. This office therefore reported to the Department that if the Department should conclude to make additional allotments to the Indians on the Bad River and Lac du Flambeau reservations, as recommended in office reports of

May 25, June 13, and July 5, 1893, the proposal made by Mr. Stearns to purchase the timber of the Bad River Indians would be prepared for submission to the President.

In reply, October 27, 1893, the Department directed this office—

To have prepared, for the action of the Department and for submission to the President for his authorization of the sale of timber on the allotted and unallotted lands of the Bad River Reservation, the proposal of Mr. Stearns, together with such regulations governing the cutting of said timber and the payment therefor as will best protect the interests and the welfare of the Indians, and prevent the cutting of any green timber on the unallotted lands. Your letter should also show that the dead and down and burned timber sought to be cut has not been killed, burned, girdled, or otherwise injured for the purpose of securing its sale.

On receipt of these instructions Lieut. Mercer was telegraphed to report whether the timber proposed to be cut on the Bad River Reservation had been killed, girdled, or otherwise injured for the purpose of securing its sale by the Indians, or others interested, and he replied by telegraph, November 7, 1893, as follows:

No foundation whatever for idea of intentional fires on La Pointe. Timber all over northern Wisconsin burned at same time; railroads, camping and hunting parties, and extension of outside fires the cause. No injury to timber for sale except by fire and wind. If any timber girdled by ax it has been done by schyms (?) in last few days. Know of none, but suspect. Will investigate.

Later, November 10, 1894, Lieut. Mercer telegraphed again as follows:

Have made reexamination La Pointe timber. No trees injured except by fire and wind. No intentional injury to timber. This can be depended on. Indians have lost chance for outside work, expecting work on reservation. Early action strongly recommended.

November 18, 1893, the office submitted a statement relative to Mr. Stearns' proposition, and a draft of rules and regulations to govern the sale of timber in accordance therewith, and recommended that the President be requested to authorize the sale of timber on the allotted and unallotted lands of the reservation by approving said rules and regulations, which were substantially the same as those under which the Lac du Flambeau logging was being done.

The President granted the required authority, and Mr. Stearns filed his bond for $50,000, which was approved by the Department January 12, 1894, and Acting Agent Mercer was directed January 18, 1894, to permit him to begin operations, and to see that the rules and regulations were strictly complied with by all parties concerned in the cutting and manufacture of timber on the Bad River Reservation. He was also notified that the office regarded it important that the Indians should be assisted and advised in the matter of their contracts by some one familiar with the value of timber and with timber operations, and he was therefore directed to thoroughly supervise the making of the contracts himself, or to designate one of his employés who was familiar with logging operations and the value of timber, to assist the Indians

in making their contracts and to see that the prices agreed upon were reasonable and fair.

March 9, 1894, the President approved a list of 38 new allotments to the Indians of the Bad River Reservation, and March 22, 1894, the office recommended that the President authorize the sale to Mr. Stearns of the timber on these 38 new allotments under the regulations, and at the prices named in the authority of December 6, 1893. April 4, 1894, the President granted the authority requested, and Mr. Stearns has filed a stipulation executed by himself and the City Trust Safe Deposit and Surety Company of Philadelphia (his surety on his original bond) extending the stipulations of that bond to cover his operations under the new authority.

One hundred and sixty-eight contracts have been entered into between Mr. Stearns and the Indian allottees, and it is understood that he is actively engaged in the erection of his plant for logging and for the manufacture of lumber.

So far as this office has been advised his operations on the Bad River Reservation have been to the entire satisfaction of the agent and for the benefit of the Indians.

## EXHIBITION OF INDIANS.

During the past year numerous applications have been received asking for authority to take Indians from reservations for exhibition purposes. In most cases I have refused to grant the requests. Many applicants for such authority have shown their untrustworthiness by being unwilling to file with this office the bond required to insure the proper payment and treatment of the Indians while away from their reservations and their safe return home.

In all cases where engagements with Indians for exhibition purposes have been made, their employers have been required to enter into written contracts with the individual Indians, obligating themselves to pay such Indians fair stipulated salaries for their services; to supply them with proper food and clothing; to meet their traveling and needful incidental expenses, including medical attendance, etc., from the date of leaving their homes until their return thither; to protect them from immoral influences and surroundings; to employ a white man of good character to look after their welfare; and to return them without cost to themselves to their reservation within a certain specified time. They have also been required to execute bonds for the faithful fulfillment of such contracts. Authorities of this sort granted during the past year by the Department are as follows:

March 20, 1894, to Gordon W. Lillie ("Pawnee Bill") to take 35 Indians from Rosebud Reservation, S. Dak., to the Antwerp Exposition, Belgium. The bond given by Mr. Lillie was for $10,000.

March 23, 1894, to Messrs. Cody ("Buffalo Bill") and Salsbury to take 125 Indians from reservations in North and South Dakota and Okla-

homa, for general show and exhibition purposes. The bond given by the firm was also for $10,000.

April 13, 1894, to H. S. Parkin to take 10 Indians, with their families, from Standing Rock Reservation, N. Dak., to the Atlantic seaboard, for the purpose of showing the transformation from savagery to civilization, and for the further purpose of disposing of articles manufactured by them. A $5,000 bond was required of him.

July 2, 1894, to Mr. Stone, of Perry, Okla., to enter into agreement with some Indians of Ponca, etc., Agency, Okla., for the purpose of going East and playing ball. He was required to file a bond of $5,000.

August 22, 1894, to William L. Taylor ("Buck Taylor") to take not to exceed 25 Indians from Rosebud Reservation, S. Dak., for general show and exhibition purposes. The bond given by Mr. Taylor was for $5,000.

In a few cases during the year authority has been granted for Indians to attend industrial expositions or local celebrations. This has been done at the urgent request of responsible parties having such matters in charge, and in the belief that the visits would have an educative influence upon the Indians themselves. The office, however, in granting the permission, exacted such conditions and restrictions as would secure to the Indians good treatment and protection from bad company.

## SALE OF LIQUOR TO INDIANS.

No further trouble has been experienced in connection with the sale of liquor to enlisted Indians since Judge Hanford, of the United States district court for the district of Washington, decided in the case of United States against Fox that Indians enlisted in the Army whose tribe is under the charge of an agent are also under the charge of an agent of the United States, within the meaning of section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27 Stats., 260). As I stated in my report for 1893, enlisted Indians had caused much trouble by furnishing intoxicating drinks to Indians on reservations in the vicinity of the military posts where such enlisted Indians were stationed.

Capt. Cooke, acting agent for the Blackfeet Agency, Mont., reported the establishment of a saloon on the summit of the mountains along the western boundary of the reservation, and stated that he had laid the matter before the district attorney for Montana. His action in the case was approved in office letter of June 23, 1894. It appears, however, from a later report from Capt. Cooke, that a question has arisen as to whether the saloon is within the reservation or on the public domain, and that an official survey will be necessary to determine the question. This matter will receive early attention.

Lieut. Plummer, acting agent for the Navajo Agency, Ariz., reported, June 5, 1894, that a great deal of whisky was being sold to the Indians of his agency at certain places in New Mexico, and that it was very difficult to obtain white witnesses to the fact of the selling of

the liquor to Indians, and impossible to secure conviction on Indian testimony before the Mexican juries that always try such cases in New Mexico. As deputy marshals and other civil officers receive pay only for arrests, that fact prevents them from devoting the necessary time to investigating these cases of whisky selling to the Indians; and therefore Lieut. Plummer stated that such work, to be successful, must be performed by a special officer, and recommended the appointment of one J. W. Green, of Gallup, N. Mex., to be a special deputy U. S. marshal for the purpose of detecting and bringing to justice the parties engaged in the nefarious traffic. As there is no authority of law for the appointment of a special officer for this purpose, the matter was submitted to the Department by office report of June 14, 1894, with the recommendation that the Department of Justice be requested to send a special agent of that Department to investigate the sale of liquor to Indians at the places mentioned by Lieut. Plummer, with a view to bringing to justice persons engaged in the traffic of whisky with the Indians of that agency, or with any other Indians whose tribe is under the charge of a superintendent, agent, or subagent of the United States, in accordance with existing law.

At the Uintah and Ouray Agency in Utah, much trouble has been experienced from the sale of liquor to Indians by certain squatters on the strip of land which was segregated from the Uintah Reservation and restored to the public domain under the act of May 24, 1888 (25 Stats., 157). The attention of the office was called to this matter by a report of September 10, 1893, from Maj. James F. Randlett, acting agent. September 21, 1893, the office instructed him to furnish the U. S. district attorney for Utah with the names of the parties who had sold or otherwise furnished liquors to Indians of his agency, and with names and addresses of witnesses to the offense, and to request the district attorney to take the steps necessary to bring the guilty parties to punishment under the provisions of section 2139 of the Revised Statutes, as amended by the act of July 23, 1892 (27 Stats., 260); also to consult with the local authorities of the Territory of Utah with a view to breaking up the resort of the squatters if the local laws would admit thereof.

June 25, 1894, the Department called the attention of this office to the fact that it had been reported to the Secretary that the Mexicans who worked a large portion of the land of the strip exerted a demoralizing, influence upon the Indians by gambling and selling whisky, and that there were also a large number of squatters, equally demoralizing, from whom the local authorities received large revenues for licensing their dens; it was also stated that no power other than that of the General Government could suppress them, and it was urged that steps be taken to abate the evil. Maj. Randlett was accordingly directed, July 12, 1894, to report to this office fully relative to these matters in order that an attempt might be made to relieve his agency of the nuisance

complained of. Two reports on the subject have been received from him. In the first, dated July 10, 1894, he gave detailed statement of several murders among the Indians which were the direct result of the sale of whisky to them by the parties located on the strip, and said that his Indian police were inefficient in detecting the violators of the intercourse laws, and unable to deal with the matter. I therefore recommended in a report to the Department of August 17, 1894, that the Department of Justice be requested to send a special agent to the Uintah Agency for the purpose of detecting the parties guilty of the illicit traffic in liquors with the Indians, and expressed the belief that the conviction of some of the parties would have the effect to deter the others from further violations of the law in this respect.

The sales of liquor to Indians who have received their allotments and therefore become citizens of the United States, and the attitude of the courts toward that question, threaten serious embarrassment in the administration of Indian affairs. In 1890 the U. S. district court for Washington decided that the Puyallup Indians in that State were citizens of the United States; that the United States was not authorized to maintain an agency over them, and that the Indians were not under the charge of a U. S. Indian agent within the meaning of the intercourse acts prohibiting the sale of liquor to Indians. I have recently received reports from agents of the Shoshone Agency, Wyo., and the Grande Ronde Agency, Oreg., inviting attention to a decision by Judge Bellinger of the district of Oregon, in which it is held that Thomas Kawkes and Edward Kline, charged with selling liquors to Indians who have received allotments in severalty, had not violated the law for the reason that the allotment of lands in severalty to Indians has removed them from under the charge of Indian agents and given them the standing of American citizens, and that as such the laws of the United States governing Indian wards of the Government do not apply to them, since the selling of liquor to an Indian who is not in charge of a U. S. Indian agent is not punishable under the United States statutes.

In commenting on this decision, Capt. Ray of the Shoshone Agency says that if the interpretation of the law as laid down by Judge Bellinger is correct he does not think any advantages to be derived by the Indians from allotments will compensate for the evils that will follow the opening of the reservations to whisky sellers, and that in their present condition it will practically destroy the Indians to remove them from the protection of the agent and turn them over to the most lawless element on the frontier. Agent Brentano of the Grande Ronde Agency reports that since this decision was rendered by Judge Bellinger a very large number of the Indians have gone off the reservation and become "gloriously drunk." He predicts that if the Indians are going to be permitted to drink all the whisky they like, the consequences are greatly to be feared.

The statutes of the United States relating to the sale of liquor to Indians are section 2139, Revised Statutes, as amended by the act of July 23, 1892 (27 Stats., 260) which is as follows:

No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced under any pretense into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian in charge of any superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, beer, wine, or intoxicating liquor into the Indian country, shall be punished by imprisonment for not more than two years, or by fine of not more than $300 for each offense. * * *

The position taken by this office in regard to this matter is set out in a letter of my predecessor of November 21, 1892, to Elihu Coleman, esq., U. S. district attorney for the eastern district of Wisconsin, from which I quote as follows:

In reply I have to say that whether or not the Indians who have received allotments of land in severalty under the act of February 8, 1887 (24 Stats., 388), as amended by the act of February 28, 1891 (26 Stats., 794), are still under the protection of section 2139 of the Revised Statutes, is a question which can, of course, only be authoritatively determined by the courts. I am of the opinion, however, that, in the light of the decision of the Supreme Court in United States *v.* Holliday (3 Wall., 407), so long within the trust period as it may be deemed necessary by the Secretary of the Interior and the Commissioner of Indian Affairs for Indian allottees to remain under the charge of an Indian agent, the statute will apply to punish anyone selling or giving them any intoxicating beverages.

The Attorney-General, in an opinion of January 26, 1889 (19 Opinions, 232), advised the Secretary of the Interior that—

The Indians when organized as tribes, under the former policy of the Government, have been treated as domestic dependent nations under the guardianship of the United States * * *. In this contemplated new mode of life the guardianship which heretofore has been exercised over the tribe is to be transferred to the individual allottees provided for in this act. The separate manhood of each Indian is to be recognized, but still subject for a time to the care and supervision of the Government as trustee or guardian. The real estate falling to each allottee is not intended to be used during the period of guardianship for speculative purposes, but is so conditioned that in their period of wardship or tutelage the Indians shall not be subject to the danger of entering into an unequal competition with the whites in the field of traffic and general business outside of agriculture and grazing.

In the case against Holliday, above quoted, the Indian to whom the intoxicating liquors had been given or sold was a citizen of the United States, having been made so by treaty which provided for the dissolution of his tribal relations. He was a voter in the State of Michigan, but the Secretary of the Interior and the Commissioner of Indian Affairs had decided that for certain purposes the tribal relations of these citizen Indians should be recognized, and an agent was appointed over them. In passing on the case the court held *inter alia* that—

No State can by either its constitution or other legislation withdraw the Indians within its limits from the operations of the laws of Congress regulating trade with them, notwithstanding any right it may confer on such Indians as electors or citizens.

It also held that—

Whether any particular class of Indians are still to be regarded as a tribe, or have ceased to hold the tribal relation, is primarily a question for the political departments of the Government, and if they have decided it this court will follow their lead.

The Indian allottee remains for a time, as shown above, in a state of tutelage and wardship, and the Indian agent placed over him is continued for the purpose of

executing the duties of the Government as his guardian. The fact that he is a citizen does not take him from under the operation of the laws of Congress made for his protection and benefit, and any one who sells or gives him liquor is liable to punishment. The district court of the United States for Washington, I believe, ruled contrary to this view in a case tried by it in the spring of 1890. I have not seen that decision and I do not believe it has been published; but from the correspondence of the Indian agent on the subject I believe the decision of the court was in error, because, instead of following the decision of the political departments of the Government as to the condition of the Indians, the court decided for itself how the particular class of Indians affected should be regarded, and holding that, as they were citizens of the United States, the action of Congress and the Executive in maintaining an agency over them was unauthorized, and that the Indians were not under an Indian agent within the meaning of the statute. This seems to me to be contrary to the rule laid down by the Supreme Court. The Indians affected by this decision below were those of Puyallup Agency, Washington.

In connection with this subject your attention is also invited to the opinion of Attorney-General Miller of March 12, 1890 (19 Opinions, 511), which has a most important bearing on the question as to how the Indian allottees should be regarded and as to the duty of the Government to continue for a time its guardian care over them and their lands.

Inasmuch as the statute prohibits the sale, exchange, barter, or other disposal of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under the charge of a superintendent or agent, and as the Supreme Court has decided that the question as to whether the agent shall be placed over the Indians is one for the determination of the political departments of the Government, and as this Department and the Congress have determined where agencies are maintained over Indians who have received their allotments that it is necessary for the discharge of the trust of the Government to appoint agents over these Indians, it is my belief that the position taken by my predecessor as to the application of the laws to prohibit the sale of whisky to Indians who have received allotments, but who are still under the charge of an agent of the United States, is sound and warranted by the laws and the decisions of the Supreme Court and the opinions of the Attorney-General, the opinions of the district courts of the United States to the contrary notwithstanding.

It is unfortunate that from the character of the cases in which this question would arise it is impracticable to secure a decision of the question by the Supreme Court of the United States. These cases are always criminal cases, and there is no power on the part of the United States to appeal from the decision of the courts below releasing the criminals charged with the violation of this law. The Government is therefore helpless to relieve the Indians of the dangers to which the attitude of the lower courts toward these questions exposes them.

## RIGHTS OF CHILDREN OF INDIAN WOMEN AND U. S. CITIZENS MARRIED SINCE AUGUST 9, 1888.

A very important decision was made by the Department May 8, 1894, relative to the rights of children of Indian women the offspring of marriages between said Indian women and citizens of the United States entered into since the act of August 9, 1888 (25 Stat., 392). The second section of that act provides as follows:

> That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

Prior to this act, an Indian woman entering into marriage with a citizen of the United States did not become a citizen, for the reason that the act of February 10, 1855 (10 Stat., 604), under which women of a different nationality became citizens of the United States by marriage to a citizen of this country, provided only for the admission to citizenship of such women as might "be lawfully naturalized under the general naturalization laws of the United States." An Indian woman could not be naturalized under the laws of the United States, as those laws were construed by the courts. (See Sixth Federal Reports, 256.) Therefore the children of Indian women married to citizens of the United States prior to August 9, 1888, have been regarded and treated as Indians and as members of the tribe to which their mother belonged, so far as their rights of property were concerned.

In a report of March 21, 1894, Capt. Charles G. Penney, acting agent for the Pine Ridge Agency of South Dakota, asked this office whether the children of an Indian woman married to a citizen of the United States since the act of August 9, 1888, would be entitled to a share in the per capita payment soon to be made at the Pine Ridge Agency. In a report of April 3, 1894, the question was submitted to the Department with a request for instructions; and in that report I referred to and indorsed the position taken on the subject by my predecessor, in a report to the Department of March 17, 1892, which was that in marrying a citizen of the United States, since the date of the act referred to, an Indian woman by such marriage separates herself from her tribe and becomes identified with the people of the United States, and her children are citizens of the United States, in all respects, and in no respect can be deemed members of the tribe to which the mother belonged prior to her marriage. They would, therefore, have no right to share in the property of the tribe except such as they might take by representation of the mother on her death.

This view of the matter was based upon the fact that as long as the mother remained a member of the tribe, her interest in the tribal prop-

erty would be a personal interest which at her death would revert to the benefit of the tribe, and her children would be entitled to receive the benefit of the common property of the tribe, there being nothing for them to inherit from their deceased parent, the tribe being the universal heir of such member and the children being heirs of the tribe.

The Department by letter of May 8, 1894, concurred in the views of this office as above expressed, and decided that the children of Indian women the offspring of marriages entered into since the act of August 9, 1888, are not entitled to share in the property of the tribe, except as they may take the same by representation of their mother, and directed this office to give such instructions as might be proper under this construction of the law. Accordingly. the office advised Agent Penney of the ruling of the Department, and instructed him to be guided thereby in the future, and subsequently, June 20, 1894, the same instructions were given to each Indian agent and special allotting agent in the service.

## DESTRUCTION OF GAME BY INDIANS.

During the early part of 1894, many complaints reached this office that Indians of the Shoshone Reservation, Wyo., were wantonly slaughtering elk and deer that had been driven down from the Rocky Mountains by the deep snows and severe weather. The agent of Shoshone Agency was at once instructed to report the facts to this office, and to take such action as would entirely stop any wanton killing of game by those Indians in the future. The agent replied that to his knowledge no elk or deer had been aimlessly slaughtered on the Shoshone Reservation by Indians belonging thereon; but that it was reported that roving parties of other Indians had killed game outside the reservation; also that the Indians reported that white men were continually going on hunting expeditions through the country adjacent to their reservation, and killing game merely for the pleasure of hunting. Reports from other Indian agents in that territory sustained this charge, the whites claiming they had as good right as the Indians to kill game; and the State officers in some instances stating that they did not feel justified in prosecuting white men for violating game laws, while the Indians were allowed to hunt.

Subsequently more complaints were received from Idaho, Wyoming, and Montana, that parties of Indians were continually leaving their reservations with passes from their agents to make social and friendly visits to other reservations; that en route they slaughtered game in large quantities merely for the sake of killing and for the hides, particularly in the country adjacent to the Yellowstone National Park and the Shoshone Reservation, Wyo., and that if such depredations were allowed to continue, it would probably result in a serious conflict between the white settlers and the Indians.

In view of the above complaints, the office addressed a letter to the Indian agents in Idaho, Montana, Wyoming, Utah, and the Dako-

tas, instructing them to call together in council the Indians of their respective agencies, and again put before them the instructions contained in office circular of November 1, 1889,* and to notify them that the restrictions as to hunting contained in that circular must be strictly complied with; also that should they obtain passes ostensibly for making friendly visits to other reservations and then engage in hunting while en route, their passes would be recalled by this office and they would not be allowed to leave their reservation again; and moreover, that they would be liable to arrest and punishment by State officers for violating the game laws of the State or Territory in which they might be found hunting.

The Indian agents were further instructed that hereafter no passes should be granted to Indians to leave the reservations for visiting or other purposes, except upon condition that they would not engage in hunting while absent; and that at the time of granting such passes the Indians should have carefully impressed upon them the consequences of violating their promise not to hunt. Also, that the Indian agents in charge of the reservations which the Indians intend visiting should be notified of the time of the departure of the Indians, their names, and the route they intend to travel. In conclusion, the office urged the hearty cooperation of each agent in the matter, in order that the evils complained of might be corrected and the threatened danger averted.

All the agents addressed have reported that they have complied with office instructions, and have taken extra precautions to prevent

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* The following is the circular referred to:

To U. S. INDIAN AGENTS:

Frequent complaints have been made to this Department that Indians are in the habit of leaving their reservations for the purpose of hunting; that they slaughter game in large quantities in violation of the laws of the State or Territory in which they reside, and that, in many instances, large numbers of wild animals are killed simply for their hides.

In some cases Indians, by treaty stipulations, have the guaranteed right to hunt, upon specified conditions, outside their existing reservations. The Secretary of the Interior has decided that the privilege of hunting under such treaty provisions is the right to merely kill such game as may be necessary to supply the needs of the Indians, and that the slaughter of wild animals in vast numbers for the hides only, and the abandonment of the carcasses without attempting to make use of them, is as much a violation of the treaty as an absolute prohibition on the part of the United States against the exercise of such privilege would be. This fact should be impressed upon the minds of the Indians who have such treaty rights, and they will be given to understand that the wanton destruction of game will not be permitted. And those not having the reserved treaty privilege of hunting outside of their existing reservation should be warned against leaving their reservation for hunting, as they are liable to arrest and prosecution for violation of the laws of the State or Territory in which offenses may be committed.

In view of the settlement of the country and the consequent disappearance of the game, the time has long since gone by when the Indians can live by the chase. They should abandon their idle and nomadic ways and endeavor to cultivate habits of industry and adopt civilized pursuits to secure means for self support.

the Indians under their charge from wantonly killing game on their reservations and from leaving their reservations for such a purpose.

## INDIAN DEPREDATIONS.

Since my last annual report, this office has reported to the Court of Claims on 39 depredation claims. In 126 claims the papers on file in this office were transmitted to the court; 66 were reported as having been previously transmitted to Congress; 4 as having been returned to claimants and attorneys; 6 as having been sent to Indian agents; 9 as having been transmitted to the Second Auditor, and miscellaneous information given relative to 118.

The total number of claims of record in this office is 8,005. The number reported to the Court of Claims in previous years, 3,430, added to the number reported upon during the past year, 211, amounts to 3,641, which deducted from the total number of claims of record, leaves 4,364 yet on file. The responsibility for the proper care and custody of these papers, making transfers of claims to the court, and keeping a record of the same still devolves upon this office.

Seven claims have been filed in this office during the past year. But section 13 of the act of March 3, 1891, conferring upon the Court of Claims jurisdiction and authority to finally adjudicate and inquire into Indian depredation claims, provides that all investigations and examinations under provisions of acts of Congress in force at the time of the taking effect of said act shall cease; also that—

> All claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within three years or shall be thereafter forever barred.

There is therefore no existing law under which these seven claims or any future depredation claims can be adjudicated.

The adjudication of claims under the present law is one of very grave concern, both to the Indians and to the United States. At the last session of Congress there was introduced Senate bill 897, "to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891." The amendment substantially provides for adjudicating two classes of claims *not* provided for in the act of March 3, 1891, viz.: First, all claims for property of any "inhabitant" of the United States. Second, claims for property taken or destroyed by Indians belonging to "any" band, tribe, or nation, etc., the words "in amity with the United States" being omitted.

An examination of the laws relating to Indian depredation claims, particularly with reference to the questions involved in said amendment, shows that it seems to have been the intention of Congress prior to March 3, 1885, to include claims not only of any citizen, but also of any "inhabitant" of the United States against "tribes in amity" with the United States. But the act of March 3, 1885 (23 Stats., 376), provides

for the investigation of claims of "citizens" against Indians "having treaty stipulations." By omitting the word "inhabitant" (contained in previous legislation) it virtually excluded the investigation of the claims of inhabitants not citizens. The act of March 3, 1891, confers upon the Court of Claims jurisdiction and authority to inquire into and finally adjudicate only claims of "citizens" and against "tribes in amity" with the United States, etc.

As to amity, it would seem to have been the practice of this Department, in investigating claims under the act of March 3, 1885, to consider "treaty stipulations" and "amity" as being synonymous terms; but in the case of Samuel Marks *et al. v.* The United States *et al.* the Court of Claims decided that amity is an essential requirement under the first clause of the act of March 3, 1891, and was of the opinion that treaty relations are not equivalent in law to amity. In this connection I quote the following language from a communication of the Attorney-General of November 2, 1893:

> The payment of damages accruing during a time of war has been contrary to the policy of all governments. It has been contrary to the policy of the Government of the United States and to the whole course of adjudication in the courts of the United States. The various acts of Congress providing indemnity for losses accruing from depredations of Indians provide that the tribe committing the depredation shall have been in amity with the United States. In 1885 the jurisdiction was vested in the Secretary of the Interior to investigate these claims for losses arising from Indian depredations; and it has been contended, and is now subject of contention in the courts, that the effect of that act was to change the policy of the Government in that behalf. In the case, however, of Samuel Marks *et al. v.* The United States *et al.* the Court of Claims decided that amity is still an essential requirement under the first clause of the act of March 3, 1891, which referred to the act of March 3, 1885; and that case settles the construction of these acts of Congress so far as the Court of Claims can do so.

In my report of December 5, 1893, upon Senate bill 897, I stated that I thought the Government had already gone far enough in providing for the adjudication of claims of citizens of the United States, and should not be called upon to open the doors to claims of persons not citizens, except, perhaps, just claims of the Indians themselves.

As a large number of Indian depredation claims were filed directly with the Court of Claims, said bill was also referred to the Department of Justice for the opinion of the Attorney-General as to its effect on claims now pending in the Court of Claims. In his reply of November 2, 1893, already referred to, the Attorney-General stated that up to date cases had been filed in the Court of Claims to the amount of $37.000,000,* and that the amendments suggested by the bill would take from the U. S. Treasury and the trust funds of the Indians from $20,000,000 to $25,000,000 in excess of the amount that would be likely to go to judgment under the law as it now stands.

The Government holds in trust, funds belonging to various tribes of

* I have been informally advised recently that the total number of cases filed in said court is now 10,841, and that the amount claimed therefor is $43,515,867.06.

Indians aggregating about $27,000,000. It will thus be seen that if judgments were rendered in favor of the claims allowed to be adjudicated under the amendments contained in Senate bill 897 such judgments alone would cover a sum equal to the entire amount of such trust funds. While funds to the credit of some tribes would not be affected, yet the funds of other tribes would be entirely extinguished, thereby inflicting upon the present generation of Indians, who are struggling to better their condition, punishment for crimes committed by their ancestors while in a state of savagery.

December 27, 1893, I submitted a report on H. R. bill No. 1954 "to repeal chapter 538 of volume 26 of United States Statutes at Large." Said chapter is the act of March 3, 1891, already referred to, which among other things transferred to the Court of Claims the duty of inquiring into and finally adjudicating Indian depredation claims. My report stated that I considered it wise that the final adjudication of these claims should continue in the Court of Claims, but that some other provisions of that act were open to serious objection.

I cited particularly the fact that that act does not afford the Indians the protection against the use of their annuity and trust funds which has been earnestly and persistently recommended by this office. Section 6 provides that judgments against the Indians shall be paid by deductions from annuities due the tribes, or if no annuities are due or available, then from any other funds due the tribes arising from the sale of their lands or otherwise, etc. The injustice to the Indians of this arbitrary use of their funds, and the importance of leaving to the Secretary of the Interior some discretion as to reserving from such payments funds needed by the Indians for their civilization, support, education, etc., were fully discussed in the reports of this office for 1891 and 1892.

The act of Congress approved July 28, 1892, providing for the payment of judgments of the Court of Claims in certain Indian depredation claims to the amount of $478,252.62, authorized their payment from the U. S. Treasury after the deductions from tribal funds required to be made by said section 6 should have been certified by the Secretary of the Interior with the proviso that—

> Such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected.

And with the further proviso that—

> The amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

Since July 28, 1892, judgments have been rendered in the Court of Claims amounting to over $550,000, and the deficiency act, approved August 23, 1894 (Public, No. 202), appropriated $175,000 for the payment of certain of these judgments in the manner provided in the act of July 28, 1892.

If this provision should be enacted in all future appropriations for the payment of judgments of the Court of Claims in Indian depredation claims, it would seem to meet the suggestions and recommendations heretofore made by this office. But it will be noticed that even this conferring of discretionary power looks to the ultimate payment of depredation claims from Indian funds, and I am ready to go farther and to say that the aforesaid act of March 3, 1891, so far as it relates to payment of claims, should either be repealed in toto or be amended so as to place upon the United States the sole responsibility and ultimate liability for the payment of judgments rendered on account of Indian depredations.

Admitting that it may have been entirely just and proper to have indemnified persons for losses at the time the depredations were committed, according to the laws then in force, yet this was done in but few cases. Many of these claims originated at so remote a period that the present generation of Indians can not possibly have any knowledge of the depredations committed, and certainly should not be held personally responsible therefor.

If the Indians were cognizant of the effect of the law as it now stands I am satisfied that it would be almost useless for the Government to attempt to negotiate with them for the sale of any lands which they now hold, and it could hardly be called less than a breach of good faith for the United States to negotiate with Indians for the sale of their surplus lands, and afterwards, without their knowledge and consent, appropriate the purchase money for the payment of claims against their ancestors.

With possibly one or two exceptions the annuity and trust funds of all Indian tribes are required for their necessary support, education, and future protection, and the payment of these claims, however just they may be, would simply subject the Indians to conditions of such dependence as would in the end necessitate additional appropriations out of the U. S. Treasury for their support.

## INTRUDERS IN THE INDIAN TERRITORY.

**Cherokee Nation.**—At the date of my report for 1893, Commissioner Joshua C. Hutchins, of Athens, Ga.; Peter H. Pernot, of Indianapolis, Ind., and Clem V. Rogers, of Oologah, Ind. T., had just commenced their work of appraising the improvements of intruders in the Cherokee Nation who had begun the occupancy of houses, lands, or improvements in that nation prior to August 11, 1886. The commissioners had been appointed by the President under section 10 of the act of March 3, 1893 (providing for the ratification of an agreement for the cession of the Cherokee Outlet to the Government), and were proceeding under instructions prepared in this office June 21, 1893, and approved by you July 7, 1893.

July 19, 1893, the commissioners, through their chairman, submitted a request for further instructions upon the question whether—

If the nation is to be given credit for the use of the lands are the intruders to be given credit for the cost of maintaining the improvements, such as replacing and improving old fences and buildings?

This request was submitted to the Department July 28, 1893, and August 17, 1893, the Department replied that the value of the use and occupancy of the land could not be satisfactorily determined without taking into consideration the cost of maintaining such improvements and making such repairs as might have been necessary to the continuance of that use and occupation; that while it might not be proper in every case to take into consideration the value of the use and occupancy of the land, that being a matter in which the appraisers should exercise a sound discretion, yet when it is taken into consideration, the cost of improvements and repairs should also be considered. Instructions prepared for the commissioners in accordance with the above decision were submitted by this office August 17, 1893, and subsequently received the approval of the Department.

The commissioners again asked for further instructions upon the question—

If an intruder occupying improvements made before August 11, 1886, made additional improvements, such as erecting new buildings, clearing and making new fields and fencing the same, must such additional improvements, made subsequently to August 11, 1886, be appraised with the old improvements?

This question was submitted to the Department with report of August 25, 1893, in which the office expressed the opinion that all improvements in the possession of intruders who had commenced occupancy prior to August 11, 1886, should be appraised, whether made before that date or subsequently.

September 25, 1893, I submitted to the Department the following questions upon which the appraisers had, September 15, 1893, asked for further instructions, viz: Whether they should appraise the improvements of intruders specified in classes as follows:

First. When two intruders who made their improvements before August 11, 1886, subsequently to that date exchanged them, each intruder now occupying the improvements which were commenced prior to August 11, 1886, by the other, but neither can swear that he began the occupancy of the improvements now claimed and occupied by him prior to that date.

Second. Wherein improvements made by an intruder before August 11, 1886, have been by him subsequently sold to another intruder.

Third. Wherein the intruder had made improvements prior to August 11, 1886, but subsequently to that date sold them, and with the proceeds of such sale purchased or made other improvements after that date.

Fourth. Where upon investigation it is ascertained that intruders who have been occupying improvements, which occupancy began prior to August 11, 1886, disclaimed any ownership in such improvements, and claimed that they actually belonged to Cherokee citizens.

Owing to the temporary suspension of the work of the commissioners (hereinafter referred to), these last three office reports received no

action until August 17, 1894, when the Department replied, approving the instructions submitted August 17, 1893, and concurring in the position taken in office letter of August 25, 1893, and deciding that no improvements should be appraised which should come under either of the four heads enumerated in office letter of September 25, 1893.

October 7, 1893, the commissioners stated that they were satisfied that the whole $5,000 appropriated by the act under which they were appointed for the payment of the expenses of removing intruders from the Cherokee Nation and the appraisal of improvements of those entitled under the act to receive compensation for the same, would not be sufficient to complete the work of appraisal alone; and, further, that another $5,000 would not be enough to defray the expenses of removing the 7,000 intruders in the Cherokee Nation, scattered over an area of nearly 8,000 square miles, unless the U. S. Army assisted in making the removals.

October 28, 1893, I requested the commissioners to furnish this office with an estimate of what additional sum would be required by them to complete the appraisement of improvements, and what sum would be necessary to effect the removal of intruders from the nation, in order that the Department might request Congress to provide an additional appropriation sufficient to cover the expense both of appraisal and removal.

Mr. Hutchins, chairman of the commission, replied that, in addition to the $5,000 already appropriated, the commission would require to complete the appraisal the sum of $4,996, of which $300 would be needed for the expense of clerical assistance for the commissioners, and that $7,500 would be necessary to defray the expense of the removal of intruders from the Cherokee Nation, making in all $12,496 to complete the appraisal and effect the removal.

I recommended to the Department that Congress be requested to appropriate $12,496 for the above named purpose, the same to be immediately available. Subsequently December 4, 1893, I transmitted a copy of a communication from Chairman Hutchins, of the board of appraisers, urging, for reasons therein stated, speedy action in the matter of providing the additional appropriation. The correspondence on this subject is printed in House Ex. Doc. No. 26, Fifty-third Congress, second session.

As the appropriation requested had not been made by Congress by December 22, 1893, a telegram of that date from the Department to Chairman Hutchins suspended further work by the appraisers and directed them to report their proceedings up to date.

By a clause in the Indian appropriation act, approved August 15, 1894, $4,996 was appropriated to complete the appraisal of improvements of intruders in the Cherokee Nation; but Congress made no provision for the payment of the expenses of the removal of the intruders from said nation, although in a report of March 17, 1894, on House

bill 6013, the office stated that the appropriation of money to complete the appraisal would result in no good unless an appropriation was also made for the payment of the expenses of the removal of intruders.

**Choctaw Nation.**—By article 14 of the treaty of June 22, 1855 (11 Stat., 611), between the United States and the Choctaw and Chickasaw nations of Indians, the Government agreed that it would protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggressions from other Indians and white persons not subject to their jurisdiction and laws. May 11, 1894, D. M. Wisdom, the agent for the Five Civilized Tribes at Muscogee, Ind. T., telegraphed this office as follows:

> In order to avoid bloodshed and protect miners who are at work, I ask that a company of soldiers be ordered to Alderson, Ind. T., to keep the peace. There are 2,000 miners who have struck, and they are exceedingly boisterous and threatening. My police force, supported by a squad of marshals, is inadequate to meet the crisis. I regard the presence of the military as absolutely essential. Prompt action alone will prevent serious trouble. Answer.

In order that bloodshed might be averted and peace maintained the office quoted this telegram to the Department and recommended that the Secretary of War be requested to order a company of troops to be sent to Alderson, in the Choctaw Nation, to assist Agent Wisdom to preserve the peace, as requested by him. This action was taken under the provisions of the treaty of 1855, above cited. However, subsequent telegrams of May 12 and 13, 1894, from the agent, indicated that troops were wanted mainly to protect the property of mining companies in the Choctaw Nation, which were under the control of the U. S. courts, and he was therefore telegraphed, May 14, by this office, as follows:

> Telegrams 12 and 13 received. Choctaw Coal and Railway Company is in hands of receiver under control of U. S. courts. Railway and mining owners should apply to the court for relief and protection.

Agent Wisdom's telegrams and office reply thereto, and also a telegram from Francis I. Gowen, receiver of the Choctaw Coal and Railway Company, earnestly urging compliance with the agent's request for troops, were all quoted in a report made by this office to the Department, May 14. Numerous other telegrams were received from Agent Wisdom and others asking for troops for the protection of property of mining operators in the Indian Territory; but the decision contained in the telegram of May 14, 1894, was adhered to.

May 15, however, a report dated May 12, 1894, was received from Agent Wisdom, transmitting a communication from W. N. Jones, principal chief, or governor, of the Choctaw Nation, which inclosed a list of the names of 200 persons who were declared by him to be intruders in the Choctaw Nation, and whose removal therefrom as such he requested the agent to make. The agent earnestly requested a detail of troops to assist him in making the removal of intruders, as requested by the Choctaw governor. May 19, 1894, Agent Wisdom's report and

the accompanying papers were transmitted to the Department with the recommendation that the Secretary of War be requested to order the detail of a sufficient force of United States troops to effect the removal of the 200 intruders referred to, and any others who might be complained against by the governor of the Choctaw Nation and the U. S. Indian agent. This request was made of the Secretary of War by Department communication of the same date, and in pursuance thereof troops were sent to the Choctaw Nation and removals of intruders were made.

No specific directions were given by this office or by the Department for the agent to remove these intruders from the Choctaw Nation, nor in view of the provisions of treaties and statutes was any such authority necessary, as will appear from the following quotations:

Article 7 of the treaty of June 22, 1855 (*ante*), between the United States and the Choctaw and Chickasaw nations of Indians provides as follows:

So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secure in the unrestricted right of self-government, and full jurisdiction over persons and property, within their respective limits; excepting, however, all persons with their property who are not by birth, adoption, or otherwise citizens or members of either the Choctaw or Chickasaw tribe, and all persons not being citizens or members of either tribe found within their limits shall be considered intruders and be removed from and kept out of the same by the United States agent, assisted if necessary by the military, with the following exceptions, viz: Such individuals as are now or may be in the employment of the Government and their families, those peacefully traveling or temporarily sojourning in the country or trading therein under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws with the assent of the United States agent to reside within their limits without becoming citizens or members of either of said tribes.

By article 43 of the treaty of 1866 (15 Stat., 779) between the United States and the said Choctaw and Chickasaw nations of Indians it is provided as follows:

The United States promise and agree that no white person except officers, agents, and employés of the Government, and of any internal improvement company, or persons traveling through, or temporarily sojourning in, the said nations, or either of them, shall be permitted to go into said Territory, unless formally incorporated and naturalized by the joint action of the authorities of both nations into one of said nations of Choctaws and Chickasaws, according to their laws, customs, or usages; but this article is not to be construed to affect parties heretofore adopted or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective nations from authorizing such works of internal improvement as they may deem essential to the welfare and prosperity of the community, or be taken to interfere with or invalidate any action which has heretofore been had in this connection by either of said nations.

Section 2147 of the Revised Statutes of the United States provides that the—

Superintendents of Indian Affairs and the Indian agents and subagents shall have

authority to remove from the Indian country all persons found there contrary to law; and the President is authorized to direct the military force to be employed in such removal.

It will thus be observed that Agent Wisdom had ample authority, both under treaty and statute, to remove persons in the Choctaw Nation who were there contrary to law, without specific authority from the Secretary of the Interior, and it became his duty, as the agent for the Choctaw Nation, to make such removals as were necessary for the protection of the nation.

All this occurred during the American Railway Union strike, but the fact that these intruders were miners out of employment on account of the strike was a matter with which this office had no concern. The miners themselves and some of their sympathizers have claimed that their strike was on account of the radical reduction of wages proposed by the operators of the mines, while it was the opinion of Capt. Mitchler, of the Fifth Cavalry, who was on the ground, that the strike was sympathetic. But in either case it had no relation whatever to the enforced removal of intruders from the nation. The parties were removed because they were intruders, and not because they were strikers.

I am satisfied, from the reports of the agent, that no one was removed from the Choctaw Nation until the charge of intrusion made against him had been carefully and fairly investigated by the agent. Some 75 intruders were removed from the mining communities of Alderson and Hartshorne on June 14, 1894, and later 43 were removed from Krebs. The manner of accomplishing these removals was left by the agent entirely to the discretion of the Army officers, there being detailed but one Indian policeman at each point to represent the agency and to identify those found by the agent to be intruders.

After the removal of the parties at Alderson and Hartshorne, the governor of the Choctaw Nation advised Agent Wisdom that all miners who were likely to comply with the Choctaw laws or who had complied with the same, and had a certificate or permit from a county judge were thereby exempt as intruders. The agent construed this letter to be a request for the suspension of the removal of intruders in the Choctaw Nation, and June 27, 1894, he submitted to this office a copy of the governor's request with the statement that, as he had no personal feeling to gratify, if the Choctaw Nation was satisfied that its rights had been vindicated and was not apprehensive of further demonstrations against law and order by the turbulent element of miners, it seemed to him that further steps by his agency were forestalled, if not unnecessary, and that he would await instructions from this office. July 2, 1894, this communication was submitted to the Department, with the statement that this office agreed with the agent in his construction of the governor's letter, and if the Department was of the same opinion it was recommended that the agent be instructed to discontinue the

removal of intruders, and to report to this office at once whether there existed any further need for troops in the Choctaw Nation.

July 7, 1894, the Department replied that it was unfortunate that Governor Jones's letter should be so indefinite as to need construction, and that possibly it was intended merely to give the agent somewhat more definite information as to the wishes of the nation in the matter. Directions were therefore given that the agent be instructed to secure a statement in writing of the desires of the Choctaw authorities and, if they should prove to be in accordance with the office construction of Chief Jones's letter, that the work of removal be stopped and Agent Wisdom be required to report as to the necessity of longer retaining the troops.

July 10, 1894, Agent Wisdom telegraphed that he had held a conference at South McAlester, in the Choctaw Nation, with the governor of that nation, and had met Judge Stuart, Marshal McAlester, and other prominent men; that the soldiers having been withdrawn from Krebs a serious outbreak of miners had taken place there. Armed with knives, clubs, and pistols about 600 miners, preceded by about 50 women, had driven small parties of working miners from "strip pits," assaulted the bookkeeper of the Osage Coal and Mining Company, menaced the miners at Alderson, and, without attacking the works there, had scared the men into quitting work; that the situation at Alderson was critical; and that Governor Jones had renewed his request for the removal of the intruding strikers, and that there would seem to be no other alternative. This telegram was immediately submitted to the Department.

On the same date Agent Wisdom mailed a more detailed account of the trouble at Krebs, and quoted a letter from Governor Jones asking him to continue the removal of intruders. July 13, 1894, this last report of Agent Wisdom was submitted to the Department, with request for instructions as to whether the agent should be directed to continue the removal of intruders in the Choctaw Nation, in view of the fact that Governor Jones had withdrawn his letter, which had been construed as a request for the discontinuance of such removal, and also in view of the reports that the intruders were disposed to disregard the rights of persons and property in the nation, and awaited only the withdrawal of troops to engage in riots.

To this the Department replied, August 8, 1894, that no general order for removals would be issued, but that a full report from the agent would be required in each case, and that such order would then be made as the facts would seem to justify; and that the agent should be directed to report explicitly and in detail the causes for removals which had already been made and the manner in which they had been effected, and also the existing condition of affairs in the Choctaw Nation. Pursuant to these instructions, I telegraphed Agent Wisdom, August 16, 1894, to transmit at the earlest practicable date a list of intruders

removed from Krebs and a report as to the condition of affairs in the Nation. He had already, August 4, 1894, given a list of intruders removed from Alderson and Hartshorne, and stated in each case the reasons for the removal. These reasons were either that the person charged with intrusion had no permit, or that having been served with notice of the charge of being an intruder had not appeared at the investigation of the question. This report was forwarded to the Department August 17, 1894, and as the agent had stated that the removals were left by him to be effected by the military officers according to their discretion, reports of officers of the Army which had been referred from the War Department were also forwarded, although such reports gave no detailed statement as to the manner adopted by these military officers to effect the removals.

August 18, 1894, Agent Wisdom reported that the Indian policeman, J. W. Ellis, who had represented the agency in the removals from Krebs, had been for some weeks employed in guarding the Missouri, Kansas and Texas Railroad Company's trains against contemplated attacks by the Cook and Dalton gangs of outlaws, and that he (the agent) had not been able to secure from him a certified list of such removed intruders, but had directed him to furnish the list immediately; also that Capt. Ellis, who was in command of United States troops, had given the number of intruders removed as forty-three. This list was forwarded by the agent August 20 and transmitted to the Department August 27, 1894.

Charges have reached this office from parties at Lehigh, in the Choctaw Nation, that Agent Wisdom was unfair in his investigation of some of the charges of intrusion and that unnecessary harshness was used in effecting removals from the nation. I am satisfied, however, from reports of military officers and of the agent and from other papers received, that the investigation into the charges was made by the agent with entire fairness of purpose, and that there was no more harshness used in effecting removals than was necessary under the circumstances; in fact, that there was as little friction and hardship as could reasonably be expected in the removal of so large a number of people from any territory.

As to the present condition of affairs in the Choctaw Nation, the agent's report of August 18, forwarded to the Department August 23, 1894, states that since the close of the strike the miners have all resumed work; that the mines are all in operation and running smoothly, and that the average amount per diem paid to the miners at Hartshorne and Alderson is $3.10 per day. From Hartshorne 23 intruders were removed, and protests were made by licensed traders and boomer newspapers, claiming that the town was ruined forever and its trade destroyed. But from a newspaper published at South McAlester, which is in the center of the mining community, it appears there exists at Hartshorne a very prosperous condition of affairs. Newspapers

published at other points in the Choctaw Nation report a like condition since the revival of work in the mines, and this revival the agent attributes to the position taken by the agency as to the removal of intruders and by the Government in sending troops to assist him in these removals.

## CHELAN INDIANS IN WASHINGTON.

April 11 and 20, 1894, the Department set aside and allotted certain lands in the State of Washington to certain Chelan Indians under the (so-called) Moses agreement, concluded July 7, 1883, and ratified and confirmed by act of Congress approved July 4, 1884 (23 Stats., pp. 79 and 80).

These allotments were made in the face of vigorous and determined opposition upon the part of certain whites. The Indians and their ancestors had dwelt around Lake Chelan from time immemorial, and these allottees claimed certain tracts of land, part of which they had cultivated for years, in their rude way, raising vegetables, oats, etc. Notwithstanding these facts eight white men took possession of the gardens of these Indians and drove them from their lands and made homestead entry thereof. In order to save their homes the Indians filed for their lands under the Moses agreement aforesaid, and upon refusal of their applications initiated contests against the homestead entries made by the whites. The whites resisted the claims of the Indians with stubborn energy; but the Indians were clearly entitled to the lands involved, and the allotments were therefore made to them.

## CROW CREEK AND WINNEBAGO RESERVATION, SETTLERS' CLAIMS.

Provision is made in the Indian appropriation act for the current fiscal year to pay the claims of those who attempted to make settlement in the spring of 1885 on the Crow Creek and Winnebago reservations in the then Territory of Dakota. A portion of said reservations was thrown open by executive order on February 27, 1885, and fifty days later, on the 17th day of April, said lands were withdrawn from settlement by the President's proclamation, and all persons who had located thereon were notified to remove therefrom with their effects within sixty days.

The act of October 1, 1890 (26 Stats., 659) provided for the ascertainment of losses sustained by such settlers by authorizing the Secretary of the Interior to appoint a special agent to investigate the same and report them to the Secretary, who was to transmit them to Congress, with his recommendations thereon. H. R. Pease was accordingly appointed as such special agent, and entered upon his duties about December 2, 1890. December 15, 1892, he submitted his final report, together with the papers, proofs, affidavits, and reports pertaining to the several claims, and to the subject generally.

He investigated and submitted the claims of 944 settlers, the aggregate of whose losses was alleged by the claimants to have been $312,155.18. The aggregate amount to which the agent found them entitled was $177,886.63. This office, after a thorough and careful examination of every claim, found the aggregate total of losses to be $116,199.19. The main item of deduction from the agent's findings was the one for loss of time alleged by the settlers and allowed by the agent, amounting to $59,688.62. The Department sustained this office in recommending the disallowance of that item.

The act appropriates the sum of $116,119.19 for the payment of so much of the 944 claims as has been found to be just and proper. Final action on about 15 claims has not yet been taken, and for the payment of same, if found to be proper, the additional sum of $3,000, or so much thereof as may be necessary, is appropriated.

## THE DIGGER INDIANS IN CALIFORNIA.

All public lands in central California suitable for homes, either for whites or Indians, have been disposed of. The greed of the white man led him to make entry of and obtain title to lands used as the homes of Indians, and they were then directed to "move on" and settle elsewhere. It is a fact that in recent years the same band of Indians have been forced by whites to abandon their homes as many as three or four times—to their utter impoverishment and wretchedness.

This condition of things among the Digger Indians in central California led Congress, by act of March 3, 1893 (27 Stats., 612), to appropriate $10,000 for the purchase of lands, subsistence and other necessaries for them, for the establishment and maintenance of a primary day school for their benefit, and for their civilization generally.

George B. Cosby, of Sacramento, Cal., has been appointed a special agent to examine into the condition of these Indians, and to report as to the best manner of assisting them. He is to inspect tracts of land which will furnish them a suitable home, submit a description thereof, terms of purchase, water facilities, etc., and report upon the number of Indians to be provided for, the amount of land which they will need, the sort of houses which should be built for them, the quantity and cost of subsistence needed, and any other facts which will help to an intelligent understanding of the situation and enable the Department to carry out the provisions made for the Indians by Congress. He has made two reports and recommended the purchase of a certain tract of land near the town of Jackson in central California; but further information in regard to it being needed, he has been called upon for a more specific and detailed report. Upon receipt of the information sought, prompt action will be taken.

The Indian appropriation act for the fiscal year ending June 30, 1895, appropriates $10,000 more for these Indians, to be expended in a similar manner. With the funds available, it is hoped that a suitable permanent home may be secured for many of them.

## EASTERN CHEROKEES IN NORTH CAROLINA.

Some years ago the Attorney-General instituted a suit in the United States circuit court for the western district of North Carolina to establish a clear title to lands in that State claimed by the Eastern Cherokees, being the 33,000 acres of land known as the speculation lands of James Love. They are adjacent to the land occupied by the Indians, and are included within the boundaries of the land set forth in a deed executed by William Johnston and wife to the Eastern Band of Cherokee Indians on the 9th day of October, 1876, which deed was intended to give effect to the award of arbitrators appointed to settle the controversy between the Eastern Band of Cherokee Indians and William H. Thomas *et al.*, and to a decree made in pursuance of said award.

Since my last report the defendants have proposed to compromise the litigation upon terms satisfactory to the district attorney and deemed fair and just by the district judge, R. P. Dick, and the master in chancery, R. M. Douglass, to whom the same had been referred, and who had given much time and attention to an examination of the questions involved. In view of the uncertainty of the result of this litigation and of the recommendations as to a compromise made by the above-named officials, and in order to secure to the Indians what was conceived to be a long-deferred right, the Attorney-General recommended that Congress confirm said agreement and make such appropriations as might be necessary to carry the same into effect. The terms of this agreement, dated January 18, 1894, are that the United States shall pay the defendants the price of $1.25 per acre for the said 33,000 acres of land.

On the same date the Eastern Band of Cherokees also made a compromise and agreement with certain defendants in another suit to the effect that, upon the payment to each of the defendants and to the guardians of minor defendants of the respective sums of money named in said agreement, aggregating $24,552, all the defendants would quit possession of the several tracts of land then occupied by themselves or tenants inside of the "Qualla Boundary" of land, and would execute to the Eastern Band of Cherokee Indians a quit-claim deed to any and all lands claimed by them, respectively, inside of the said "Qualla Boundary" (as per survey of M. S. Temple, deputy U. S. surveyor, and a deed executed in accordance with said survey by William Johnston and wife, Lucinda M. Johnston, to the Eastern Band of Cherokee Indians, on the 9th day of October, 1876), in which deed the said defendants would execute a warranty to the title of the lands as against themselves and their heirs, and all persons claiming by, through, or under them. This agreement contained a further stipulation that a decree should be entered in said suits diverting all the right, title and interest of the said defendants therein named in and to the said "Qualla Boundary" of land, and that a writ of possession should

issue from the U. S. circuit court at Asheville, N. C., on the 1st day of December, 1894, removing the defendants from the possession of the said "Qualla Boundary" of land, or such of them as had not vacated the same at an earlier date. It was further agreed that no money should be paid to the defendants therein named, or their representatives. until any and all incumbrances on the respective tracts of land, such as judgment liens, mortgages, deeds in trust, purchase money, notes, etc., should have been paid off and fully discharged and canceled on the proper records; and until all unregistered bonds for title and other contracts to convey any of the said tracts of land should have been surrendered and canceled.

This agreement having also received the approval of Judge Dick and Mr. Douglass, the Attorney-General recommended that Congress confirm it and make the necessary appropriations to carry it into effect.

In his report to Congress, February 24, 1894, submitting these two agreements of compromise in said suit, the Attorney-General stated that the amount required to carry them into execution, including incidental expenses, would not exceed $68,000. In the deficiency appropriation act approved August 23, 1894 (Public, No. 202, p. 20), Congress made the following appropriation:

EASTERN BAND OF CHEROKEE INDIANS: For this amount, or so much thereof as may be necessary, to be expended under the direction of the Attorney General for the purpose of carrying into effect the two agreements of compromise in the two suits, respectively, of the Eastern Band of Cherokee Indians *versus* William H. Thomas and others, and of the United States *versus* William H. Thomas and others, both now pending in the United States circuit court for the western district of North Carolina, set forth in detail on pages seven, eight, and nine of House Executive Document Numbered One hundred and twenty-eight, Fifty-third Congress, second session, which agreements are hereby confirmed, made by A. C. Avery, attorney for R. D. Gilmer, trustee and administrator of J. R. Love, and for the cestui que trust for which he holds, and as attorney for the heirs at law of W. H. Thomas, deceased, and George H. Smathers, special assistant United States attorney, attorney for complainants, indorsed and approved January twentieth, eighteen hundred and ninety-four, by R. B. Glenn, United States attorney, western district North Carolina, in the one suit, and George H. Smathers, special assistant United States attorney, counsel for complainants, and W. B. Ferguson and G. S. Ferguson, attorneys for defendants, in the other suit, to settle and quiet title to lands in Qualla Boundary, claimed by said Indians and more fully set forth in said agreements of compromise; to perfect the title to other lands elsewhere in North Carolina to said Indians; to pay attorneys' fees and expenses in securing said compromise and carrying the same into effect; to pay the expenses of survey, preparing and executing deeds and recording the same, and any other expenses incident to carrying said agreements into effect, sixty-eight thousand dollars.

I concur in the opinion of the Attorney-General that these agreements of compromise will, when carried into execution, secure the Indians a perfect title to the land inside of the Qualla Boundary and leave unsettled only a comparatively unimportant controversy respecting certain tracts of land outside the boundary, which are now in the way of immediate settlement.

## CROW FLIES HIGH AND HIS BAND OF GROS VENTRES.

Some years ago Crow Flies High and his band of Gros Ventre Indians, numbering about 135, left the Fort Berthold Reservation, N. Dak., and remaining away beyond the control of the agent, they were joined from time to time by other desertions from the reservation, until their number aggregated 200. Their absence from the reservation, freedom from restraint, and general lawless conduct furnished a bad lesson for the Indians living on the reservation, whom the Government is endeavoring to start in self-support and civilization.

It was therefore deemed best to return these Indians to their reservation and cause them to conform to the restraints necessary for their welfare and improvement, and as this would require a display of force the War Department was requested last January to instruct the commanding officer at Fort Buford, N. Dak., to proceed, upon call of the acting Indian agent of the Fort Berthold Agency, to take Crow Flies High and his band and return them to their reservation. Early spring was the time designated, so that the band might be captured before breaking winter camp and be settled upon the reservation in time for spring planting.

The command left Fort Buford March 17, 1894, captured Crow Flies High and his confederates, Long Bear and Blackhawk, with their followers, and on April 2 turned them over to the Fort Berthold Indian agent. Capt. H. S. Foster, Twentieth Infantry, in command of the expedition, displayed great skill and ability in the execution of his orders and unusual wisdom and tact in taking and managing the Indians.

The expedition at that season of the year proved to be one of extreme difficulty and hardship. On the second day after leaving the post a furious blizzard (the most severe of the winter) set in and raged for forty-eight hours, filling coulees, blockading all traffic by rail, and forcing the command into camp for four days. On the morning of the seventh day the march was resumed, only to be "struck" by another fierce blizzard. Snow blindness developed with Capt. Foster, and several members of the detachment and some Indians who had been picked up had milder attacks of the same sort. Previous rains had washed away bridges on their line of march and immense ice gorges had filled the streams to overflowing. Property was crossed in boats constructed with wagon bodies and wagon sheets; animals were made to swim the streams; empty wagons were hauled through with ropes and chains, and there were several narrow escapes from drowning. Nearly every rod of ground passed over had to be carefully reconnoitered to avoid mud, water, snow, crust, and coulees, and wide detours were frequent. In the face of these obstacles and difficulties the command traveled 300 miles in twenty-four days, at great personal

risk, and captured a lawless band of Indians well supplied with arms and ammunition and turned them over, as stated, to the Fort Berthold Indian agent.

The agent has had authority to so scatter these Indians over the reservation as to end the influence over them of Crow Flies High. No information has been received of any dissatisfaction or trouble among them since their return, and it is thought that they will take their allotments and make at least a start toward civilization and self-support.

## ISABELLA RESERVATION, WIS.

Nothing of special interest has occurred on the reservation during the past year except the annulment of sales for taxes of the "not so competent" tracts and action looking to the refunding of moneys paid for taxes on such tracts. The State of Michigan has been taxing these lands for several years past and several sales have been made on account of nonpayment. The decision of the supreme court of the State having been to the effect that the said lands were not taxable renders necessary the annulment of such sales and the refunding of all moneys paid for taxes. At the request of the auditor-general of the State of Michigan a list of the "not so competent" tracts was furnished him August 15, 1894, for the purpose of refunding.

## SALE OF TIMBER ON JICARILLA RESERVATION, ARIZ.

The Indian appropriation act for the fiscal year ending June 30, 1895, contains, under the head of "Miscellaneous supports," the following provision relative to the sale of timber on the Jicarilla Apache Indian Reservation:

> The Secretary of the Interior is hereby authorized, under such rules and regulations as he may deem proper and necessary to protect the interests of the Indians and of the United States, to sell or otherwise dispose of a quantity of timber, not exceeding twenty thousand dollars in value, on the Jicarilla Apache Indian Reservation, the proceeds to be used by him in the purchase of sheep and goats for the benefit of the Indians belonging thereto, as will best tend to promote their welfare and advance them in civilization.

This provision of law is in pursuance of a plan formulated by this office and the Department for the relief of these Indians. They are very poor, and are almost entirely dependent on the Government for subsistence and support. Their reservation is, for the most part, barren and poorly adapted to agricultural purposes, and, owing to the great altitude of the country, averaging about 7,000 feet, the seasons are too short and cool to enable crops to mature with any degree of certainty. According to the last three or four annual reports of the agents in charge of these Indians, the crops yielded so poorly as to be altogether discouraging to the Indians.

To this fact, no doubt, as much as to their inclination, is due the restless and roving disposition of many of the Jicarilla Apaches,

which has been a constant cause of complaint by white settlers. For a year or more prior to September, 1893, a band of some 200 or more, under Chief Santiago Largo, had its headquarters in Mora County, N. Mex., several hundred miles from the reservation. The depredations of this band were complained against by the whites in Mora, Taos, and Colfax counties. However, on the 6th of November last, all these Indians had returned to their reservation.

It is believed that if these Indians were inducted into the pursuit of sheep raising the problem of keeping them upon their reserve would, at least to a large extent, be solved, and that in time they would become largely, if not entirely, self-supporting. The opinion of those personally familiar with the conditions is that sheep raising on the reserve of these Indians would prove successful and profitable, and this office has received numerous and repeated communications in confirmation of this belief. The success of the Navajoes, but a short distance southwest of the Jicarillas, in the pursuit of sheep raising is pointed to.

The provisions of the act above mentioned have been brought to the attention of the Secretary, and suitable rules and regulations to govern the proposed sale of timber have been prepared. Prompt steps will be taken to carry out the provisions authorizing the sale of timber in order that the Department may realize thereon at an early day and assist the Indians in the manner contemplated. Though the amount ($20,000) is much smaller than might be desired for the purpose, it will at least enable the first step to be taken, which, it is believed, will be one in the right direction, at once affording relief to the Indians and at the same time solving the problem of keeping them on their reserve.

## KOOTENAI INDIANS, NEAR BONNERS FERRY, IDAHO.

Reference was made in my annual report of last year to the troubles of the Kootenai Indians, located near and upon lands embraced in the town of Bonners Ferry, Idaho, and to the fact that a special agent of this office had been sent there to make a full and complete investigation of the whole matter and submit report thereon. Some of these Indians had been assisted in making application for allotments by the U. S. Indian agent of the Flathead Agency, Mont., under instructions from this office dated August 28, 1889. Their claims had been trespassed upon by whites, and the Indians deterred from attempting to improve and cultivate some of the land they had always used and occupied, and to which they were justly entitled under the general allotment act as amended.

The rights of these Indians having been reported by the special agent as paramount to those of the whites, this office requested the General Land Office to facilitate the survey of the township in which the lands involved were situated, in order that the allotments might be adjusted so as to be made to conform to the public survey. The request

was granted, and the allotments were so adjusted by the special agent of this office. Under your instructions patents were issued for the lands allotted to these Indians, and, on August 14, 1894, were transmitted to the Cœur d'Aléne local land officers, Idaho, for delivery to the allottees legally entitled thereto. Through the guardians of Arthur Frye and by authority of the Department, the application for that child, covering the lands upon which the town of Bonners Ferry is located, was relinquished. This action ended a long and bitter contest.

The nonreservation Kootenais, numbering some 225, who a few years ago were in a distressed condition and gave alarm to the inhabitants of northern Idaho, have been disposed of by making allotments to those above referred to, by removing some of them to the Flathead Reservation, Mont., and by inducing the remainder who claimed to be Canadian Indians, to move across the international boundary line into Canada. Thus the Kootenai question and troubles seem to have been finally and permanently settled.

## NEW YORK INDIANS.

An item of interest respecting these Indians is the provision made by a clause in the Indian appropriation act for this fiscal year for the making of a thorough investigation by the Secretary of the Interior of the facts touching the claim of the Ogden Land Company, the condition of the Indians, their progress in civilization and fitness for citizenship, and the propriety of allotting their lands in severalty; report thereon to be made to Congress, with such suggestions and recommendations as may be deemed proper.

Though this clause makes provision simply for the "investigation" of the matters specified, it is a much needed step in the direction of settling the difficulties respecting these Indians. The existence of the so-called preemption claim of the Ogden Land Company has given rise to many complications and embarrassing questions in connection with the management of the New York Indians, and has seriously retarded their advancement. In addition to this, their status with respect to the jurisdiction of the State and of the United States is the cause of difficulties which it is hoped the initial action thus provided for will be the means of finally removing.

The claim of these Indians against the United States, growing out of the sale of their Kansas lands, is still pending in the Court of Claims.

## ERRONEOUS SURVEYS, PONCA RESERVATION, NEBR.

For years complaints have reached this office concerning careless and erroneous surveys along the Niobrara River, embracing certain lands within the Ponca Reservation, Nebr. As a consequence of such surveys made thirty years or more ago, the Indians are unable to ascertain the boundaries of their respective allotments, and disa-

greements with each other, and especially with their white neighbors whose lands border upon their allotments, are frequent. This office furnished the General Land Office all the information in its possession pertaining to this matter and requested that if practicable a resurvey of the lands involved be contracted for. Recently that request was renewed and further information submitted respecting the old surveys.

August 8, 1894, I was advised by that office that the facts disclosed in the several petitions and in the report of the U. S. deputy inspector on the matter do not constitute sufficient cause for the annulment of the survey made in 1893 and the making of a new survey; and further, that it is believed that the survey which the Indians and white settlers petition for as a means to prevent endless trouble and litigation would fail to have that beneficial result and would cause greater difficulties than are now present or impending. It was stated that the correction of old and erroneous surveys by an official survey has seldom been found an effective and satisfactory adjustment of inequitable divisions of public lands and of consequent troubles among settlers, and that it has long been the practice of the Land Office to refuse action of the kind asked for except upon written petition signed by every resident landowner or claimant within the area of land in question, accompanied by a written agreement signed by all such parties that they will accept and abide by the lines, corners, and areas resulting from the official resurvey requested. Attention was also called to the fact that even if such petition and agreement should be obtained by unanimous consent of all resident owners a further difficulty would have to be met in the adjustment of their land titles, because the original patent dependent upon the original or superseded plat would be invalid as to lands with new lines and new areas; and as the Land Office has no power to compel settlers to return their patents in order that they may be exchanged for new patents based on the plats of resurvey, many of them would not be returned to that office for that purpose. In fact the experience has been that settlers feeling aggrieved by the new survey have even refused to make an exchange of patents, notwithstanding the agreement they had signed. Moreover, in the event of a new survey, all new patents would have to be placed on the county records.

As the lands referred to were generally settled and patented many years ago, the General Land Office reached the conclusion that the proposed readjustment of lines is not only unwarranted by the facts, but also inexpedient and impracticable, and suggested that the difficulties resulting from erroneous and careless surveys and from destruction of original corners should rest with the local authorities for adjustment. The Indians have been advised of this decision of the General Land Office and instructed to endeavor to settle their difficulties among themselves or before the local authorities in the best and least expensive manner possible.

## SOUTHERN UTES, COLORADO.

The general situation of these Indians is anything but encouraging. In my last annual report I mentioned the unfavorable effect upon the Indians of the failure of Congress to take definite action upon the agreement concluded with them November 13, 1888. Such action is still wanting and bills introduced into Congress at its last session have tended to further embarrass matters. Senate bill No. 1532 for the ratification of the agreement was reported upon to the Department on March 14 last. As the bill differed materially from the draft originally submitted for ratifying the agreement, certain amendments were recommended. The bill, however, failed to become a law. A subsequent bill (H. R. 6792) provided for the disapproval of the agreement, for allotments in severalty on a portion of the present reserve and for the sale of the remainder. This, too, failed to become a law, and the uncertainty as to the future home of the Indians is not only seriously retarding their advancement by keeping them in a state of anxiety and disquietude, but has delayed action with respect to the definite ascertainment of the boundaries of their present reserve and the settlement of difficulties arising from the presence of supposed trespassers. It is earnestly hoped that prompt and final action will be had upon this matter at the next session of Congress.

## UPPER AND MIDDLE BANDS OF SPOKANE INDIANS.

The business of removing the Upper and Middle bands of Spokane Indians to the Cœur d'Alène Reservation, in Idaho, the Colville Reservation, in Washington, and the Flathead Reservation, in Montana, has been under temporary suspension for certain reasons stated in my last annual report.

March 10, 1894, George H. Newman, of Tennessee, was appointed, as the successor of Montgomery Hardman, to complete the work of removing these Indians to the reservations where they elect and are entitled to go. He was instructed as to this unfinished business April 24, 1894, and is now engaged in the prosecution of the work.

Prior to the ratification of the agreement with these Indians (act of July 13, 1892, 27 Stats., 120) many of them had gone to the Spokane Reservation, Wash., regarding that reservation as forming a part of the Colville Reservation, and believing that by so doing they were acting in conformity with the provisions of the agreement and would be entitled to all its benefits. In this belief they were in error; but Congress, by act of August 15, 1894, provided "that any moneys heretofore or hereafter appropriated for the removal of said Spokane Indians to the Cœur d'Alène Reservation shall be extended to or expended for such members of the tribe who have removed or shall remove to" the Spokane, as well as the Colville or Jocko (Flathead) reservations.

With this new legislation in force, and from information received respecting these Indians, I am led to believe that their proposed removal under existing law will be successfully accomplished by Agent Newman. In fact, many have already gone to the reservations named. Some have delayed, awaiting the new legislation mentioned, and others to defend their rights to certain lands upon which they have settled and made their homes, being guaranteed title to such lands by the agreement aforesaid. The Department of Justice, upon request from this office through the Department, has instructed the proper U. S. district attorney to defend the actions instituted against these Indians for their homes, and Agent Newman has been instructed to furnish the attorney the information in his possession and to aid him in the matter. I look for a completion of this work within a reasonable time.

## STOCKBRIDGE AND MUNSEE ENROLLMENT.

The enrollment of the Stockbridge and Munsee Indians, as provided for in the act of March 3, 1893 (27 Stats., 744), has been completed by Mr. C. C. Painter, who was designated by the Department for such duty. His final report was submitted January 29, 1894. He found 481 persons entitled to enrollment, and submitted for the decision of this office a number of other cases that had been contested. Five of these were cases of women who had been adopted into the tribe, but who, Mr. Painter thought, were not entitled to enrollment on account of the fact that at the time of the adoption the tribe was composed only of what was known as the Indian party.

Careful examination was given to the question as to the parties whose enrollment had been objected to by the Indians and by Mr. Painter, and in the report of May 28, 1894, from this office, the rights of the parties were set forth and a revised roll submitted for the approval of the Department. This roll contained 17 names more than were admitted to enrollment by Mr. Painter, making 498 in all. The enrollment as revised was approved by the Secretary of the Interior June 12, 1894. Subsequently, on recommendation of the Indians, the agent, and Mr. Painter, the Department authorized the enrollment of 5 other persons, whose names had been left off by Mr. Painter through inadvertence.

The membership of the tribe, therefore, is now fixed as 503 persons, and as great care was taken in the preparation of instructions for the enrolling agent and in the examination of his report, it is hoped that the divisions which have heretofore existed in the tribe as to the rights of certain persons to membership therein are now settled and will give no further trouble.

The act of March 3, 1893, under which this enrollment was made, imposed the further duty upon the Government of issuing patents in fee simple to the Stockbridge and Munsee Indians, who have, either themselves or by their proper representatives, continuously occupied

the lands allotted to them under the treaty of 1856 and the act of 1871. This duty has not yet been performed, for the reason that it has been impracticable up to this time to identify allottees entitled to patent under this provision of the law. This work will be done as soon as a special agent of this Department can be spared for that purpose.

After the identification of these allottees and the issuance of patents to them, it is my purpose to recommend that authority be granted for the allotment of the remaining lands of the reservation, either under the act of February 8, 1887 (24 Stats., 388), as amended by the act of February 28, 1891 (26 Stats., 794), or under some special act of Congress to be obtained for that purpose. I am convinced that the sooner all the lands of the reservation are allotted and the trust funds of these Indians distributed to them, the better it will be both for the Indians and the Government. On account of their disposition to disagree in all matters relating to their affairs, I am satisfied that as long as there is any common property belonging to the tribe there will be contentions and trouble. They are well advanced in civilization, and, in my opinion, competent to take care of themselves and manage their personal affairs.

## UINTAH AND UNCOMPAHGRE UTES.

During the last session, H. R. bill 6557 and S. bill 1887 were introduced in Congress, both providing for making allotments on the Uintah and Uncompahgre Ute reservations and opening the surplus lands to settlement. This proposed legislation did not originate in this office, and in reports to the Department, dated April 19th and 23d last, recommendation was made, for the reasons therein set forth, against the passage of either of said bills. Neither of these bills passed as a separate measure; but their provisions were substantially incorporated in sections 20, 21, 22, and 23 of the Indian appropriation act for the current fiscal year.

## THE WENATCHEE FISHERY.

In my last annual report (pages 100, 101) recommendation was made that negotiations be had with the Yakima Indians for the cession of all their rights to the township of land and the fishery, which, by the tenth article of the treaty of June 9, 1855 (12 Stats., 954), was to be reserved and set apart for their use. Accordingly, John Lane, special U. S. Indian agent, and Lewis T. Erwin, U. S. Indian agent, were instructed October 25, 1893, to call a council of the Yakima Indians, for the purpose of negotiating for said cession. These instructions were promptly carried into effect, and on the 29th of January Agent Erwin forwarded council proceedings and an agreement executed January 8, 1894, whereby the Indians ceded and relinquished to the United States, for the sum of $20,000, all their claim to lands and rights of fishery as set forth in the tenth article of said treaty.

*A copy of the council* proceedings and agreement was forwarded to

the Department March 17, 1894, with recommendation that the same be submitted to Congress. By the thirteenth section of the Indian appropriation act, approved August 15, 1894 (Public, No. 197, p. 38), the agreement was duly confirmed and ratified, and the money appropriated to carry it into effect.

## WINNEBAGOES IN MINNESOTA.

By the first article of the Winnebago treaty of April 15, 1859 (12 Stats., 110), no provision was made for the issue of patents to the several members of the tribe to whom lands in severalty should be allotted, but certificates were to be issued by the Commissioner of Indian Affairs, with the stipulation that said tracts should not be alienated in fee, leased, or otherwise disposed of, except to the United States or to members of the tribe.

By the fourth section of the act of February 21, 1863, (12 Stats., 658), for the removal of the Winnebago Indians and for the sale of their reservation in Minnesota, it was made the duty of the Secretary of the Interior to allot to those Winnebago Indians who had cultivated and improved their lands 80 acres of land which, when so allotted, should be vested in said Indians and their heirs without the right of alienation, which should be evidenced by patent.

By the ninth section of the Indian appropriation act, approved July 15, 1870 (16 Stats., 361), the Secretary of the Interior was directed to cause to be investigated and to determine the claims to patents of those Winnebago Indians then lawfully residing in Minnesota, and to issue to those whom he should find to be entitled thereto patents without the right of alienation for the lands theretofore allotted to them in severalty or which might have been designated by them for allotment under the treaty of 1859, or of the aforesaid act of 1863, and which had not been sold or disposed of by the United States. In case the lands had been sold they were to have lands designated by them for allotment out of any unsold lands within the limits of the original Winnebago Reservation in Minnesota, and if it were found to be impracticable to make allotments within such limits on good agricultural lands, then they were to be made on any public land subject to private entry.

By the Indian appropriation act of May 29, 1872 (17 Stats., 185), it was declared to be the intention and meaning of said ninth and tenth sections of the act of July 15, 1870, aforesaid, "to authorize and direct the Secretary of the Interior to cause to be patented to each and every Winnebago Indian, lawfully resident in the State of Minnesota at the date of said act, in accordance with the conditions of said two sections, an allotment of land, who have not heretofore received the same in quantity as provided in the treaty of 1859."

Under this legislation Walter T. Burr made the investigation, and reported to this office July 8, 1873, a list of 52 persons who presented

their claims to him, in person or by representation, 44 of which claims he admitted and 2 he favorably recommended. Patents in fee have issued to 31 of the aforesaid 44, and a patent without the right of alienation has issued to one, viz, Mary or Madam White and her heirs. This leaves 12 persons to whom no patents have ever issued, and there is no authority for the issue of patents to them except in accordance with the conditions of section 9 of the act of 1870, which is a restriction for all time, without the right of alienation, by anyone, under any circumstances—an entailment on the land which is not deemed desirable.

A full statement of the status of these 13 cases was submitted to the Department with the draft of a bill "For the relief of certain Winnebago Indians in Minnesota." A bill, No. 7731, was introduced in the House of Representatives modifying the fourth and ninth sections of the acts of 1863 and 1870, respectively, so far as they related to the lands of the Winnebago Indians in Minnesota, so as to permit the alienation and conveyance of said lands with the consent of the Secretary of the Interior. The bill was passed by the House, as drafted in this office, and was referred to the Senate Committee on Indian Affairs.

In conclusion, allow me to acknowledge my sense of obligation to you for the special interest you have manifested in the affairs of this Bureau and the assistance you have cordially rendered me, in the management of difficult problems which have arisen, by your personal attention to their details.

Very respectfully, your obedient servant,

D. M. BROWNING,
*Commissioner.*

The SECRETARY OF THE INTERIOR.

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# ANNUAL REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS.

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1895.

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WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1895.

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# REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, September 14, 1895.*

SIR: I have the honor to submit herewith the Sixty-fourth Annual Report upon Indian Affairs.

The year's work has been fruitful of good results, and substantial progress has been made. Employees in the various branches of the service have been faithful and energetic. Only a few changes have been required, and these were made solely for the good of the service, and vacancies have been filled by the promotion of those who have rendered meritorious service in less important positions. As will be noted hereafter, a large increase has been made in the number of Indian employees, and in filling positions at agencies and schools Indians have been given the preference for appointment when found competent to do the work required.

## APPROPRIATIONS.

The amount appropriated by the Indian appropriation act for the fiscal year 1896 is less than the amount appropriated in the Indian act for the fiscal year 1895. The grand total for 1895 is $1,986,734.79 in excess of that for 1896, while the amount appropriated for the actual expenses of the service for 1895 is but $16,290.94 in excess of the amount appropriated for the same purposes for 1896.

The following comparative table will show the different objects of appropriation:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1895 and 1896.*

| | 1895. | 1896. |
|---|---|---|
| Current and contingent expenses | $711,640.00 | $727,640.00 |
| Treaty obligations with Indians | 2,936,846.53 | 2,982,147.19 |
| Miscellaneous support, gratuities | 663,125.00 | 695,625.00 |
| Incidental expenses | 114,000.00 | 82,050.00 |
| Miscellaneous | 287,245.84 | 549,903.63 |
| Support of schools | 2,060,695.00 | 2,056,515.00 |
| Trust funds, principal | 1,430,916.66 | ..... |
| Trust funds, interest | 78,320.00 | 9,870.42 |
| Payment for land | 2,467,697.00 | 1,660,000.00 |
| Total | 10,750,486.03 | 8,763,751.24 |

The Indian appropriation act for 1895 included several agreements with Indian tribes for cessions of land involving appropriations aggregating $2,467,697. It also provided for payment of damages to settlers on the Crow Creek and Winnebago reservations, amounting to $119,119.19, and authorized the Secretary of the Treasury to place upon the books of the Treasury to the credit of the several Indian tribes interested therein the face value of certain nonpaying State bonds or stocks, to draw interest at the rate of 5 per cent per annum, said bonds to become the property of the United States. Certain Shawnee funds were also capitalized. Although taking no money out of the Treasury, these two latter things apparently involved an appropriation of $1,430,666.66. These various items are as follows:

| | |
|---|---|
| Payment of damages to settlers on Crow Creek and Winnebago reservations | $119,119.19 |
| Payment to Yankton tribe for lands | 621,475.00 |
| Payment to Yakama tribe for lands | 20,000.00 |
| Payment to Cœur d'Alenes for lands | 15,000.00 |
| Payment to Siletz Indians for lands | 142,600.00 |
| Payment to Nez Perces for lands | 1,668,622.00 |
| Capitalization of Shawnee funds | 100,000.00 |
| Face value of certain State bonds assumed by the United States | 1,330,666.66 |
| Total | 4,017,482.85 |

Deducting this total from the total appropriated by the act—$10,750,486.03—and there remains for the current expenses of the fiscal year 1895, $6,733,003.18.

For the fiscal year 1896 the total amount appropriated is $8,763,751.24. The act contains no agreements with the Indian tribes involving any considerable expenditure, but does contain several items outside of the ordinary, as follows:

| | |
|---|---|
| For compensating the Indians of the Crow Creek Reservation for loss sustained by receiving less land per capita than they were entitled to | $187,039 |
| For payment of the first installment due the Cherokee Nation for the purchase of the "Cherokee Outlet" | 1,660,000 |
| For survey of the Indian Territory by the Geological Survey | 200,000 |
| Total | 2,047,039 |

Deducting this from the total appropriated, and there remains for the current expenses of 1896, $6,716,712.24.

Comparing the two years, we have:

| | |
|---|---|
| Current expenses for 1895 | $6,733,003.18 |
| Current expenses for 1896 | 6,716,712.24 |
| Difference in favor of 1896 | 16,290.94 |

The estimates for the current expenses for 1896, presented to Congress by this office, amounted to $6,723,844.83; the amount appropriated, therefore, is $7,132.59 less than the estimates.

## EDUCATION.

The education of Indian pupils during the fiscal year just closed has been conducted upon the same lines as those laid down during the past few years—through the medium of nonreservation boarding schools, reservation boarding and day schools, contract boarding and day schools, and public schools carried on under State supervision.

### ATTENDANCE.

The enrollment and average attendance at the various Indian schools for 1894 and 1895 are exhibited in the following table:

TABLE 2.—*Enrollment and average attendance at Indian schools, 1894 and 1895.*

| Kind of school. | Enrollment. | | Average attendance. | |
|---|---|---|---|---|
| | 1894.*a* | 1895. | 1894.*a* | 1895. |
| Government schools: | | | | |
| Nonreservation training | 4,350 | 4,673 | 3,609 | 3,799 |
| Reservation boarding | 7,631 | 8,068 | 6,140 | 6,477 |
| Day | 3,256 | 3,843 | 2,082 | 2,528 |
| Total | 15,237 | 16,584 | 11,831 | 12,804 |
| Contract schools: | | | | |
| Boarding | 4,147 | 3,873 | 3,583 | 3,406 |
| Day | 598 | 688 | 428 | 407 |
| Boarding, specially appropriated for | 1,281 | 1,319 | 1,152 | 1,185 |
| Total | 6,026 | 5,880 | 5,163 | 4,998 |
| Public day schools | 204 | 319 | 102 | 192 |
| Mission schools not assisted by the Government; boarding | 152 | 253 | 124 | 194 |
| Aggregate | 21,619 | 23,036 | 17,220 | 18,188 |
| Increase | | 1,417 | | 968 |

*a* These figures are taken from table on page 510 of report for 1894, made up from later returns than table on page 14.

These figures do not include schools among the Five Civilized Tribes nor those which the State of New York provides for her Indians. Therefore it is peculiarly gratifying to note the fact that from the remaining tribes 23,036 Indian pupils are now gathered together under the civilizing influence of schools and brought into daily contact with enlightened ideas and customs. This is over 60 per cent of the entire Indian school population exclusive of the New York Indians and the Five Civilized Tribes. Every reservation has one or more school plants, many of them well equipped with modern conveniences and fully adapted to their purpose.

The older Indians seem more favorably disposed toward education than hitherto, and agents and superintendents are not now encountering the unreasoning opposition to schools so common in the earlier history of this work. Indians are beginning to recognize that the old order of things has passed away with the buffalo, and that only by educating his children can the Indian compete with the white man in the struggle for life. This fact is disclosed in reports, and is demonstrated in the increased attendance.

This increase of 1,417 in enrollment and 968 in average attendance during the past year has been secured without resort to coercion even to the extent authorized by law. Cases have arisen where force seemed necessary to induce parents to place their children in the schools and to keep them there when enrolled, yet I have refrained from using such means, preferring the better course of moral suasion and convincing arguments, and finding them utimately effective. It gives me pleasure to note the success of such methods, clearly evidenced in the steady and healthy increase of attendance, as shown in the following tabulated statement of the average attendance of Indian pupils during a series of years:

TABLE 3.—*Number of Indian schools and average attendance from 1877 to 1895.*

| Year. | Boarding schools. | | Day schools. *a* | | Totals. | |
|---|---|---|---|---|---|---|
| | Number. | Average attendance. | Number. | Average attendance. | Number. | Average attendance. |
| 1877 | 48 | ..... | 83 | ..... | 131 | 3,508 |
| 1878 | 49 | ..... | 119 | ..... | 168 | 4,142 |
| 1879 | 52 | ..... | 107 | ..... | 159 | 4,488 |
| 1880 | 60 | ..... | 109 | ..... | 169 | 4,651 |
| 1881 | 68 | 3,888 | 106 | 4,221 | 174 | 1,976 |
| 1882 | 71 | 2,755 | 54 | 1,311 | 125 | 4,066 |
| 1883 | 75 | 2,599 | 64 | 1,443 | 139 | 4,042 |
| 1884 | 86 | 4,358 | 76 | 1,757 | 162 | 6,115 |
| 1885 | 114 | 6,201 | 86 | 1,942 | 200 | 8,143 |
| 1886 | 115 | 7,260 | 99 | 2,370 | 214 | 9,630 |
| 1887 | 117 | 8,020 | 110 | 2,500 | 227 | 10,520 |
| 1888 | 126 | 8,705 | 107 | 2,715 | 233 | 11,420 |
| 1889 | 136 | 9,146 | 103 | 2,406 | 239 | 11,552 |
| 1890 | 140 | 9,865 | 106 | 2,367 | 246 | 12,232 |
| 1891 | 146 | 11,425 | 110 | 2,163 | 256 | 13,588 |
| 1892 | 149 | 12,422 | 126 | 2,745 | 275 | 15,167 |
| 1893 | 156 | 13,635 | 119 | 2,668 | 275 | 16,303 |
| 1894 | 157 | 14,457 | *b* 115 | 2,639 | 272 | *c* 17,220 |
| 1895 | 157 | 15,061 | 125 | 3,127 | 282 | 18,188 |

*a* Public schools attended by Indian children included in the average attendance but not in the number of schools.

*b* This excludes four Eastern Cherokee schools discontinued during 1894 and since reopened.

*c* This item is taken from table on page 510 of report for 1894, made up from later returns than table on page 6.

## PUBLIC SCHOOLS.

As noted in my former reports, I have endeavored to place as many Indian pupils as possible in the State public schools. Progress has been made, but to a smaller extent and more slowly than was anticipated. The mingling of the races in schools is not looked upon with as much favor as it should be, and prejudice exists upon the part of the whites as well as the Indians. Still the number of Indian pupils covered by contracts with public schools has almost doubled, being 487 for last year as against 259 the previous year. The system will be further urged during the current fiscal year, with the probability that more public schools will be induced to avail themselves of the Government aid of $10 per capita per quarter for coeducation of Indian children in white schools. The following table shows the public schools in which Indian pupils are enrolled, and the number contracted for:

TABLE 4.—*Public schools at which Indian pupils were placed under* [illegible] by adding *Indian Bureau during the fiscal year ended June 30.*

| State. | School district. | County. | Indian pupils. |
|---|---|---|---|
| California | Round Valley | Inyo | 30 |
| | Helm | San Diego | 16 |
| Michigan | No. 2 | Isabella | 20 |
| Nebraska | Plum Valley, No. 10 | Knox | 6 |
| | No. 1 | Thurston | 20 |
| | No. 36 | Knox | 8 |
| | No. 87 | ....do | 8 |
| | No. 6 | Thurston | 20 |
| | No. 90 | Knox | 8 |
| | No. 91 | ....do | 10 |
| | No. 94 | ....do | 2 |
| | No. 1 | ....do | 5 |
| | No. 104 | ....do | 19 |
| | No. 14 | Thurston | 50 |
| Oklahoma | No. 29 | Canadian | 8 |
| | No. 82 | Pottawatomie | 8 |
| | No. 77 | ....do | 18 |
| | No. 83 | Kingfisher | 4 |
| | No. 30½ | Pottawatomie | 10 |
| | Minneha, No. 18 | ....do | 17 |
| | No. 42 | Blaine | 7 |
| | No. 90 | Pottawatomie | 3 |
| | No. 64 | ....do | 8 |
| | No. 69 | "G" | 20 |
| | No. 55 | Canadian | 10 |
| Oregon | No. 32 | Lane | 4 |
| Utah | No. 12 | Boxelder | 48 |
| Washington | No. 53 | Skagit | 10 |
| | No. 10 | Pierce | 1 |
| | No. 54 | Lewis | 6 |
| | No. 44 | Stevens | 15 |
| | No. 51 | Lewis | 8 |
| | No. 1 | Stevens | 29 |
| | No. 11 | ....do | 6 |
| | No. 7 | ....do | 8 |
| Wisconsin | Town of Ashland | Ashland | 22 |
| Total | | | 487 |

## NONRESERVATION GOVERNMENT SCHOOLS.

The location, date of opening, capacity, number of employees, enrollment, and average attendance of the various nonreservation boarding schools and the rate allowed per pupil per annum are shown in detail in the following table:

TABLE 5.—*Location, average attendance, capacity, etc., of nonreservation training schools during the fiscal year ended June 30, 1895.*

| Location of school. | Date of opening. | Number of employees. | Rate per annum. | Capacity. | Enrollment. | Average attendance. |
|---|---|---|---|---|---|---|
| Carlisle, Pa | Nov. 1, 1879 | 65 | $167.00 | a800 | 769 | 668 |
| Chemawa, Oreg | Feb. 25, 1880 | 28 | 167.00 | 300 | 250 | 214 |
| Chilocco, Okla | Jan. 15, 1884 | 52 | 167.00 | 400 | 352 | 339 |
| Genoa, Nebr | Feb. 20, 1884 | 37 | 167.00 | 350 | 282 | 192 |
| Albuquerque, N. Mex | Aug.—, 1884 | 50 | 167.00 | 300 | 389 | 269 |
| Haskell Institute, Lawrence, Kans | Sept. 1, 1884 | 50 | 167.00 | 500 | 585 | 499 |
| Grand Junction, Colo | ——, 1886 | 13 | 167.00 | 150 | 132 | 117 |
| Santa Fe, N. Mex | Oct. —, 1890 | 35 | 167.00 | 150 | 179 | 133 |
| Fort Mojave, Ariz | Oct. —, 1890 | 18 | 167.00 | 150 | 156 | 151 |
| Carson, Nev | Dec. —, 1890 | 24 | 167.00 | 135 | 127 | 119 |
| Pierre, S. Dak | Feb. —, 1891 | 12 | 167.00 | 180 | 120 | 104 |
| Phœnix, Ariz | Sept.—, 1891 | 32 | 167.00 | 150 | 204 | 157 |
| Fort Lewis, Colo | Mar.—, 1892 | 31 | ..... | 300 | 195 | 151 |
| Fort Shaw, Mont | Dec. 27, 1892 | 33 | ..... | 250 | 208 | 194 |
| Perris, Cal | Jan. 9, 1893 | 19 | 167.00 | 125 | 163 | 107 |
| Flandreau, S. Dak | Mar. 7, 1893 | 23 | 167.00 | 175 | 184 | 112 |
| Pipestone, Minn | Feb. —, 1893 | 11 | 167.00 | 90 | 79 | 58 |
| Mount Pleasant, Mich | Jan. 3, 1893 | 14 | 150.00 | 160 | 178 | 135 |
| Tomah, Wis | Jan. 19, 1893 | 13 | 167.00 | 125 | 121 | 80 |
| Total | | 560 | ..... | 4,790 | 4,673 | 3,799 |

a 1,500 with outing system.

19 nonreservation boarding schools now in operation, one This increase year. The buildings at Fort Stevenson, S. Dak., having during the year been burned, the school there has been discontinued. That school was originally established at Fort Stevenson, not because of any special advantage of location, but because of the abandoned military buildings there which could be utilized. Pupils were obtained mostly from the Fort Berthold Agency, 17 miles distant, which had no Government boarding school. A new boarding school has been established at Fort Berthold during the past year, which will practically supply the place of the school hitherto carried on at Fort Stevenson. The number of nonreservation boarding schools now in operation I consider sufficient to meet all the requirements of our educational system. At least for the present, no more such schools will be organized, but existing ones will be fostered, enlarged, and more fully prepared to accomplish the work mapped out for them. There has been an increase during the year of 323 in the enrollment at these schools, making a total of 4,673 pupils.

The majority of these schools are equipped for thorough industrial work, and great stress is laid upon this portion of the educational curriculum. While literary branches are by no means neglected, and Indians are found to develop into apt students as soon as they master the English language, the necessity of giving Indian youth an all-round training, which shall equip them for earning their own living, is kept constantly in view. To teach the Indian boy and girl to work intelligently, effectively, and hence remuneratively, is the first consideration; but this so involves discipline of mind, as well as skill of handiwork, that neither can be slighted without loss to the other.

The nonreservation school in its peculiar work is a most valuable adjunct to Indian education and civilization, and should stand in relation to the regular Government school as the college to the high school. I have endeavored to give vitality to this idea by a system of transfers from the reservation schools. The brightest and most efficient higher-grade pupils are recommended by school superintendents and agents for transfer to nonreservation schools, the same being in the nature of a promotion. It therefore stimulates and encourages those who desire to further enlarge their minds and make greater opportunities for themselves, and leaves more room for the other pupils from the camps or day schools. The gradual elaboration of this plan so as to finally fill the nonreservation schools with only graduates of the reservation schools will add greatly to the effectiveness of the general system of Indian education.

It is the policy of the Office to give Indian graduates every opportunity practicable to enter the field of life in good situations, and the Civil Service Commission has been exceedingly favorable to the employment of Indians as teachers. In order to give greater latitude in the matter, the President amended the civil-service rules relating to

appointments and promotions in the Indian school service by adding the following clause:

Graduates of Indian normal schools and of normal classes in Indian schools may be employed in the Indian school service as assistant teachers or day-school teachers without further examination, provided that certificates of satisfactory proficiency, of good moral character, and of physical soundness, signed by the proper officials, be transmitted at the time of appointment to the Civil Service Commission: *And provided further*, That until the 1st of July, 1896, graduates of the senior classes of Carlisle, Hampton, Lincoln Institute, Chilocco, Haskell Institute, and other Indian schools of equal grade may be included in the provisions of this rule. Such teachers shall become eligible for promotion to advanced positions on presentation to the Civil Service Commission of satisfactory certificates of efficiency and fidelity in their work and of a progressive spirit in their professional interests, signed by their immediate official superiors and by the Superintendent of Indian Schools, and forwarded with his approval by the Secretary of the Interior, the Commission reserving to itself the right to decide as to the satisfactoriness of such certificates.

This modification has enabled me to secure excellent teachers, who otherwise would have been debarred from entering the service. The corps of teachers now numbers many graduates of training schools who have proven themselves worthy employees well qualified for their work. Many other positions in the school service are filled by Indians, and for all unclassified positions agents and superintendents are instructed to give preference to Indians.

## RESERVATION GOVERNMENT BOARDING SCHOOLS.

There are 75 Government boarding schools situated on various reservations. The following table shows their location, capacity, and date of opening:

TABLE 6.—*Location, capacity, and date of opening of Government reservation boarding schools.*

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| **Arizona:** | | | |
| Colorado River | 100 | Mar. —, 1879 | |
| Keams Canyon | 90 | ——, 1887 | |
| Navajo Agency | 100 | Dec. —, 1881 | |
| Pima | 150 | Sept. —, 1881 | |
| San Carlos | 100 | Oct. —, 1880 | |
| White Mountain Apache | 50 | Feb. —, 1894 | |
| **California:** | | | |
| Fort Yuma | 250 | Apr. —, 1884 | |
| Hoopa | 120 | Jan. 21, 1893 | |
| Round Valley | 70 | Sept. 12, 1893 | School began August 15, 1881; discontinued in July, 1883, by burning of building. |
| **Idaho:** | | | |
| Fort Hall | 200 | ——, 1874 | |
| Fort Lapwai | 200 | Sept. —, 1886 | |
| Lemhi | 40 | Sept. —, 1885 | |
| **Indian Territory:** | | | |
| Quapaw | 110 | Sept. —, 1872 | |
| Seneca, Shawnee, and Wyandotte | 130 | June —, 1872 | Begun by Friends as orphan asylum in 1867 under contract with tribe. |
| **Kansas:** | | | |
| Kickapoo | *a* 30 | Oct. —, 1871 | |
| Pottawatomie | 75 | ——, 1873 | |
| Sac and Fox and Iowa | 50 | ——, 1871 | Iowa. |
| | | Sept. —, 1875 | Sac and Fox. |
| **Minnesota:** | | | |
| Leech Lake | *b* 40 | Nov. —, 1867 | |
| Pine Point | 60 | Mar. —, 1892 | Prior to this date a contract school opened in November, 1888. |

*a* Also 40 day pupil

*b* Also 20 day pupils.

TABLE 6.—*Location, capacity, and date of opening of Government reservation boarding schools*—Continued.

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| **Minnesota—Continued.** | | | |
| Red Lake | 50 | Nov. —, 1877 | |
| White Earth | a 100 | ——, 1871 | Building burned in February, 1895. |
| Wild Rice River | 60 | Mar. —, 1892 | Prior to this date a contract school opened in November, 1888. |
| **Montana:** | | | |
| Blackfeet | 125 | Jan. —, 1883 | |
| Crow | 100 | Oct. —, 1884 | |
| Fort Belknap | 110 | Aug. —, 1891 | |
| Fort Peck | 150 | Aug. —, 1881 | |
| **Nebraska:** | | | |
| Omaha | 80 | ——, 1881 | |
| Santee | 100 | Apr. —, 1874 | |
| Winnebago | 90 | Oct. —, 1874 | |
| **Nevada:** | | | |
| Pyramid Lake | 80 | Nov. —, 1882 | |
| Western Shoshone | 50 | Feb. 11, 1893 | Previously a semiboarding school. |
| **New Mexico:** | | | |
| Mescalero | 50 | Apr. —, 1884 | |
| **North Dakota:** | | | |
| Fort Berthold, Browning | b 60 | Nov. 21, 1894 | |
| Fort Totten | 425 | ——, 1874<br>Jan. —, 1891 | At agency.<br>At Fort Totten. |
| Standing Rock, agency | 110 | May —, 1877 | |
| Standing Rock, agricultural | 100 | ——, 1878 | |
| Standing Rock, Grand River | 100 | Nov. 20, 1893 | |
| **North Carolina:** | | | |
| Eastern Cherokee | 100 | Jan. 1, 1893 | Prior to this date a contract school opened in 1885. |
| **Oklahoma:** | | | |
| Absentee Shawnee | 70 | May —, 1872 | |
| Arapaho | 110 | Dec. —, 1875 | Started under the auspices of the Friends in 1872. |
| Cheyenne | 200 | ——, 1879 | |
| Fort Sill | 125 | Aug. —, 1891 | |
| Kaw | 60 | Dec. —, 1869<br>Aug. —, 1874 | In Kansas.<br>In Indian Territory. |
| Osage | 160 | Feb. —, 1874 | |
| Otoe | 75 | Oct. —, 1875 | In Nebraska. |
| Pawnee | 125 | ——, 1865<br>——, 1878 | In Nebraska.<br>In Indian Territory. |
| Ponca | 100 | Jan. —, 1882 | |
| Rainy Mountain | 50 | Sept. —, 1893 | |
| Riverside (Wichita) | 70 | Sept. —, 1871 | |
| Sac and Fox | 120 | ——, 1868<br>Apr. —, 1872 | In Kansas.<br>In Indian Territory. |
| Seger | 60 | Jan. 11, 1893 | |
| Washita (Kiowa) | 150 | Feb. —, 1871 | |
| **Oregon:** | | | |
| Grande Ronde | 100 | Apr. —, 1874 | |
| Klamath | 125 | Feb. —, 1874 | |
| Siletz | 90 | Oct. —, 1873 | |
| Simnasho | 75 | Aug. —, 1882 | |
| Umatilla | 100 | Jan. —, 1883 | |
| Yainax | 90 | Nov. —, 1882 | |
| **South Dakota:** | | | |
| Cheyenne River | 120 | Apr. 1, 1893 | At new agency. At old agency school for girls opened in 1874, under missionary auspices in Govt. buildings; school for boys opened in 1880. |
| Crow Creek | 140 | ——, 1874 | |
| Lower Brulé | 140 | Oct. —, 1881 | |
| Sisseton | 130 | ——, 1873 | |
| Yankton | 125 | Feb. —, 1882 | |
| **Utah:** | | | |
| Ouray | 80 | Apr. —, 1893 | |
| Uintah | 80 | Jan. —, 1881 | |
| **Washington:** | | | |
| Neah Bay | 75 | July —, 1868 | |
| Chehalis | 60 | Jan. —, 1873 | |
| Okanogan | 75 | ——, 1890 | |
| Puyallup | 150 | June —, 1871 | |
| Quinaielt | 40 | ——, 1868 | |
| Skokomish | 60 | Dec. —, 1866 | |
| Yakima | 130 | ——, 1860 | |
| **Wisconsin:** | | | |
| Menomonee | 150 | ——, 1876 | |
| Oneida | 80 | Mar. 27, 1893 | |
| **Wyoming:** | | | |
| Shoshone | 150 | Apr. —, 1879 | |
| Total | 7,845 | | |

*a Also 20 day pupils.* *b* Also 30 day pupils.

The attendance upon these schools is good, the increase during the year in enrollment being 437, notwithstanding a decrease in the number of schools. The schools at Warm Springs and Yainax have been consolidated. Fort Bennet school at the old Cheyenne River Agency has left its dilapidated buildings and been consolidated with the new Cheyenne River Agency school. The Pine Ridge school has not been in operation owing to the burning of its buildings.

The personnel of the various schools has been placed upon a higher plane and a corresponding increase in efficiency can be noted. With few exceptions harmony has prevailed between the agents and superintendents, and in unison they have endeavored to build up the schools under their charge. I note with pleasure the great interest taken in their schools by the agents and their commendable pride in making up in excellent work for deficiencies in equipment.

As teachers and officers become more experienced they of course become more proficient in dealing with and instructing the Indians. It is a difficult matter for a new teacher, no matter how efficient in white schools, to at once become a successful Indian instructor. Conditions are so different, language is such a barrier, and individual characteristics are so dissimilar that it takes time to become adjusted and to learn how to invent new methods or to adapt old ones to new surroundings.

## DAY SCHOOLS.

One of the most valuable adjuncts to successful Indian instruction is the day school. These schools are generally situated near the camps, and take the little ones from the very heart of barbarism. Rude, uncouth, and shy, the teacher has a most difficult task in instilling the first principles of knowledge into their brains; but patiently, step by step, this is gradually accomplished. These schools perform serious work in the educational plan. There are now 110 of them, all, with the exception of eight, on reservations, and they have a capacity for 4,145 pupils. This is an increase during the year of 411 in capacity and 10 in number. At a large majority of these schools a noonday lunch is furnished. This is a most valuable addition to their efficiency, and has done much in the way of increasing the attendance.

The distribution of the day schools is indicated in the following table:

TABLE 7.—*Location and capacity of Government day schools, June 30, 1895.*

| | Capacity. |
|---|---|
| **Arizona:** | |
| Moqui— | |
| Hualapai | 40 |
| Oreiba | 40 |
| Polacca | 50 |
| Navajo— | |
| Little Water | 30 |
| Supai | 30 |
| **California:** | |
| Big Pine *a* | 35 |
| Bishop *a* | 40 |
| Manchester *a* | 30 |
| Mission, 9 schools | 283 |
| Potter Valley *a* | 50 |
| Ukiah *a* | 40 |
| Upper Lake *a* | 45 |
| Iowa: | |
| Sac and Fox | 40 |
| igan: | |
| araga | 50 |
| Minnesota: | |
| Birch Cooley | 36 |
| White Earth, Twin Lake | 25 |
| Montana: | |
| Tongue River | 30 |
| Nebraska: | |
| Santee, Ponca | 36 |
| Nevada: | |
| Walker River | 30 |
| Wadsworth | 30 |

*a* Not on reservation.

TABLE 7.—*Location and capacity of Government day schools, June 30, 1895*—Continued.

| | Capacity. |
|---|---|
| New Mexico: | |
| Pueblo— | |
| Cochito | 30 |
| Laguna | 40 |
| Santa Clara | 30 |
| Zia | 35 |
| North Carolina: | |
| Eastern Cherokee, 4 schools | 167 |
| North Dakota: | |
| Devils Lake, Turtle Mountain, 3 schools | 150 |
| Standing Rock, 5 schools | 180 |
| Fort Berthold, 2 schools | 80 |
| Oregon: | |
| Hat Creek | 25 |
| South Dakota: | |
| Cheyenne River, 3 schools | 70 |
| Pine Ridge, 25 schools | 1,060 |
| Rosebud, 21 schools | 698 |
| Washington: | |
| Lummi | 50 |
| Neah Bay, Quillehute | 60 |
| Puyallup— | |
| Jamestown *a* | 30 |
| Port Gamble *a* | 24 |
| Wisconsin: | |
| Green Bay, 4 schools | 240 |
| La Pointe, 6 schools | 246 |
| Total capacity | 4,145 |
| Total number of schools | 110 |

*a* Not on reservation.

## GOVERNMENT AID TO CONTRACT SCHOOLS.

The Indian appropriation act for the current fiscal year contains the following provision in regard to decreasing and limiting the amount of assistance to be given by the Government to the support of schools for Indians carried on under private auspices, and known as contract schools:

> The Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June thirtieth, eighteen hundred and ninety-six, to an extent not exceeding eighty per centum of the amount so used for the fiscal year eighteen hundred and ninety-five, and the Government shall, as early as practicable, make provision for the education of Indian children in Government schools.

The question of making this 20 per cent reduction in the amount to be allowed for contract schools, amounting to $92,701, was a very serious one, as the majority of the schools were doing good work, and it was difficult to decide where the reduction should be made. I took it to be the intention of the Department, as well as of Congress, not to deprive Indian children of schooling, but merely to provide that Indians educated at Government expense should, so far as practicable, be educated at Government schools in preference to denominational schools. Therefore it was decided not to make a uniform "horizontal" reduction everywhere, but instead, (1) To continue without modification contracts with schools at points where the Government had no schools or had very inadequate school facilities; (2) to reduce the number of pupils to be contracted for at points where the Government had already provided good school accommodations; (3) to assume all schools hitherto carried on under private auspices which should be offered to the Government for Indian school purposes; (4) to reduce per capita allowances to schools which had been receiving rates in excess of those allowed the majority of the contract schools.

April 15 last the usual circular letter was sent out by this office to Indian school contractors, asking them to submit a statement as to what provision for caring for Indian children under contract they desired the Government to make in their behalf for the current fiscal year. From replies received and subsequent correspondence it appeared that the Government could obtain control of the following schools and

conduct them hereafter as Government schools—buildings and appliances being sold or rented to the Government for Indian school use:

| | Amount of last year's contract. |
|---|---|
| School at Wittenberg, Wis. (Lutheran) | $15,120 |
| Ramona School, Crow Reservation, Mont. (Unitarian) | 5,490 |
| School at Greenville, Cal. (Woman's National Indian Association) | 4,320 |
| Hope School, Springfield, S. Dak. (Episcopal) | 4,860 |

Also the following school desired no renewal of contract:

| | |
|---|---|
| White's Manual Labor Institute, Wabash, Ind. (Friends) | 10,020 |

In this way $39,810 of the required reduction was easily provided for. It remained, therefore, to make the rest of the reductions, to the extent of over $50,000, contrary to the wish of the contractors (in all cases) and in such away and at such points as in the judgment of the Office would be for the best interests of the Indians. To bring this about contracts with twenty-three schools were reduced either in the number of pupils or the rate allowed per pupil; contracts with four schools were discontinued, and twenty-eight schools had their contracts renewed without change.

The equipment of the Ramona School on the Crow Reservation has been purchased and that school will be operated in the future as a Government school under the Crow agent. The schools at Wittenberg, Wis., Greenville, Cal., and Springfield, S. Dak., have been rented from their owners and converted into regular Government boarding schools.

A comparative statement of the contract schools is exhibited in the following table:

TABLE 8.—*Schools conducted under contract, with number of pupils contracted for, rate per capita, and total amount of contract for fiscal years ending June 30, 1895, and June 30, 1896.*

| Location of school. | 1895. | | | 1896. | | |
|---|---|---|---|---|---|---|
| | Rate per capita per annum. | Number allowed. | Amount required | Rate per capita per annum. | Number allowed. | Amount required. |
| Baraga, Mich. (Chippewa boarding) | $108 | 45 | $4,860 | $108 | 40 | $4,320 |
| Bernalillo boarding, New Mexico | 125 | 60 | 7,500 | 125 | 60 | 7,500 |
| California: | | | | | | |
| Hopland day | 30 | 20 | 600 | 30 | 20 | 600 |
| St Turibius boarding | 108 | 30 | 3,240 | 108 | 10 | 1,080 |
| Ukiah day | 30 | 20 | 600 | 30 | 18 | 540 |
| Pinole day | 30 | 20 | 600 | 30 | 18 | 540 |
| Colville Agency, Wash.: | | | | | | |
| Colville boarding | 108 | 65 | 7,020 | 108 | 60 | 6,480 |
| Cœur d'Aléne boarding | 108 | 70 | 7,560 | 108 | 60 | 6,480 |
| Crow Creek Agency, S. Dak.: | | | | | | |
| Immaculate Conception boarding | 108 | 60 | 6,480 | 108 | 50 | 5,400 |
| Grace Howard Mission boarding | ..... | 30 | 3,000 | ..... | 30 | 3,000 |
| Crow Agency, Mont.: | | | | | | |
| St. Xavier's boarding | 108 | 85 | 9,180 | 108 | 70 | 7,560 |
| Montana Industrial boarding | 108 | 50 | 5,400 | ..... | ..... | ..... |
| Devils Lake Agency, N. Dak.: | | | | | | |
| St. Mary's boarding, Turtle Mountain | 108 | 130 | 14,040 | 108 | 130 | 14,040 |
| Fort Belknap Agency, Mont.: | | | | | | |
| St. Paul's boarding | 108 | 135 | 14,580 | 108 | 110 | 11,880 |
| Graceville boarding, Minnesota | 108 | 50 | 5,400 | 108 | 50 | 5,400 |
| Green Bay Agency, Wis.: | | | | | | |
| St. Joseph's boarding | 108 | 130 | 14,040 | 108 | 105 | 11,340 |

TABLE 8.—*Schools conducted under contract, etc.*—Continued.

| Location of school. | 1895. | | | 1896. | | |
|---|---|---|---|---|---|---|
| | Rate per capita per annum. | Number allowed. | Amount required. | Rate per capita per annum. | Number allowed. | Amount required. |
| Greenville boarding, California | $108 | 40 | $4,320 | | | |
| Halstead boarding, Kansas | 125 | 30 | 3,750 | $125 | 25 | $3,125 |
| Harbor Springs boarding, Michigan | 108 | 95 | 10,260 | 108 | 95 | 10,260 |
| La Pointe Agency, Wis.: | | | | | | |
| Bayfield boarding | 125 | 30 | 3,750 | 108 | 30 | 3,240 |
| Bayfield day | 30 | 30 | 900 | 30 | 30 | 900 |
| St. Mary's boarding | 108 | 50 | 5,400 | 108 | 50 | 5,400 |
| Bad River day | 30 | 15 | 450 | 30 | 15 | 450 |
| Lac Court d'Oreilles day | 30 | 40 | 1,200 | 30 | 40 | 1,200 |
| Red Cliff day | 30 | 30 | 900 | 30 | 30 | 900 |
| Morris boarding, Minnesota | 108 | 80 | 8,640 | 108 | 65 | 7,020 |
| North Yakima boarding, Washington | 108 | 35 | 3,780 | 108 | 35 | 3,780 |
| Osage Agency, Okla.: | | | | | | |
| Pawhuska boarding | 125 | 50 | 6,250 | 125 | 50 | 6,250 |
| St. John's boarding, Hominy Creek | 125 | 40 | 5,000 | 125 | 40 | 5,000 |
| Pine Ridge Agency, S. Dak.: | | | | | | |
| Holy Rosary boarding | 108 | 140 | 15,120 | 108 | 140 | 15,120 |
| Plum Creek boarding, Leslie, S. Dak | 108 | 15 | 1,620 | | | |
| Point Iroquois day, Bay Mills, Mich | 30 | 20 | 600 | 30 | 20 | 600 |
| Pueblo Agency, N. Mex.: | | | | | | |
| Acoma day | 30 | 25 | 750 | 30 | 25 | 750 |
| Isleta day | 30 | 30 | 900 | 30 | 30 | 900 |
| Laguna day | 30 | 25 | 750 | 30 | 25 | 750 |
| Jemez day | 30 | 35 | 1,050 | 30 | 35 | 1,050 |
| San Juan day | 30 | 22 | 660 | 30 | 22 | 660 |
| Santo Domingo day | 30 | 25 | 750 | | | |
| Taos day | 30 | 20 | 600 | 30 | 20 | 600 |
| Rosebud Agency, S. Dak.: | | | | | | |
| St. Francis boarding | 108 | 95 | 10,260 | 108 | 95 | 10,260 |
| San Diego boarding, California | 125 | 95 | 11,875 | 125 | 95 | 11,875 |
| Sac and Fox Agency, Okla.: | | | | | | |
| Sacred Heart boarding | 108 | 40 | 4,320 | | | |
| St. Peter's Mission boarding, Montana | 108 | 180 | 19,440 | 108 | 145 | 15,660 |
| Shoshone Agency, Wyo.: | | | | | | |
| St. Stephen's boarding | 108 | 65 | 7,020 | 108 | 52 | 5,616 |
| Episcopal Mission boarding | 108 | 20 | 2,160 | 108 | 20 | 2,160 |
| Tongue River Agency, Mont.: | | | | | | |
| St. Labre's boarding | 108 | 40 | 4,320 | 108 | 40 | 4,320 |
| Tulalip Agency, Wash: | | | | | | |
| Tulalip boarding | 108 | 100 | 10,800 | 108 | 95 | 10,260 |
| White Earth Agency, Minn.: | | | | | | |
| St. Benedict's boarding (orphan) | 108 | 90 | 9,720 | 108 | 90 | 9,720 |
| Red Lake boarding | 108 | 40 | 4,320 | 108 | 40 | 4,320 |
| Hope boarding, Springfield, S. Dak | 108 | 45 | 4,860 | | | |
| Wittenberg boarding, Wisconsin | 108 | 140 | 15,120 | | | |
| Total | | | 285,715 | | | 228,306 |
| SCHOOLS SPECIALLY APPROPRIATED FOR BY CONGRESS. | | | | | | |
| Banning boarding, California | 125 | 100 | 12,500 | 125 | 100 | 12,500 |
| Blackfeet Agency, Mont | 125 | 100 | 12,500 | 108 | 100 | 10,800 |
| Clontarf boarding, Minnesota | 150 | 100 | 15,000 | 150 | 65 | 9,750 |
| Flathead Agency, Mont | 150 | 300 | 45,000 | 129 | 300 | 38,700 |
| Rensselaer boarding, Indiana | | 60 | 8,330 | | | |
| St. Benedict's boarding, St. Joseph, Minn. | 150 | 50 | 7,500 | 125 | 50 | 6,250 |
| St. John's boarding, Collegeville, Minn | 150 | 50 | 7,500 | 125 | 50 | 6,250 |
| Kate Drexel Industrial boarding, Umatilla Agency, Oreg | 100 | 60 | 6,000 | 100 | 48 | 4,800 |
| White's Manual Labor Institute, Wabash, Ind | 167 | 60 | 10,020 | | | |
| Hampton Institute, Virginia | 167 | 120 | 20,040 | 167 | 120 | 20,040 |
| Lincoln Institution, Philadelphia, Pa | 167 | 200 | 33,400 | 167 | 200 | 33,400 |
| Total | | | 177,790 | | | 142,490 |

The amounts allowed for contract schools, aggregated and compared with former years, is exhibited in the following table:

TABLE 9.—*Amounts set apart for education of Indians in schools under private control for the fiscal years 1889 to 1896, inclusive.*

| | 1889. | 1890. | 1891. | 1892. | 1893. | 1894. | 1895. | 1896. |
|---|---|---|---|---|---|---|---|---|
| Roman Catholic | $347,672 | $356,957 | $363,349 | $394,756 | $375,845 | $389,745 | $359,215 | $308,471 |
| Presbyterian | 41,825 | 47,650 | 44,850 | 44,310 | 30,090 | 36,340 | ..... | ..... |
| Congregational | 29,310 | 28,459 | 27,271 | 29,146 | 25,736 | 10,825 | ..... | ..... |
| Episcopal | 18,700 | 24,876 | 29,910 | 23,220 | 4,860 | 7,020 | 7,020 | 2,160 |
| Friends | 23,383 | 23,383 | 24,743 | 24,743 | 10,020 | 10,020 | 10,020 | ..... |
| Mennonite | 3,125 | 4,375 | 4,375 | 4,375 | 3,750 | 3,750 | 3,750 | 3,125 |
| Unitarian | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | ..... |
| Lutheran, Wittenberg, Wis. | 4,050 | 7,560 | 9,180 | 16,200 | 15,120 | 15,120 | 15,120 | ..... |
| Methodist | 2,725 | 9,940 | 6,700 | 13,980 | ..... | ..... | ..... | 600 |
| Mrs. L H. Daggett | ..... | ..... | ..... | ..... | a 6,480 | ..... | ..... | ..... |
| Miss Howard | 275 | 600 | 1,000 | 2,000 | 2,500 | 3,000 | 3,000 | 3,000 |
| Appropriation for Lincoln Institution | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 |
| Appropriation for Hampton Institute | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 |
| Woman's National Indian Association | ..... | ..... | ..... | ..... | ..... | 2,040 | 4,320 | ..... |
| Point Iroquis, Mich | ..... | ..... | ..... | ..... | ..... | 900 | 600 | ..... |
| Plum Creek, Lealie, S. Dak | ..... | ..... | ..... | ..... | ..... | ..... | 1,620 | ..... |
| Total | 529,905 | 562,640 | 570,218 | 611,570 | 533,241 | 537,600 | 463,505 | 370,796 |

a This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893 the contract was renewed with Mrs. Daggett.

## NEW WORK.

In the strict sense of the word not much new work has been undertaken in the school field during the past fiscal year. The attention of the Office has been mainly directed to improving the school plants already in existence, so as to enlarge their usefulness and better fit them for their requirements. However, the Lac du Flambeau Reservation has been given an excellent school plant, in which the first boarding school on that reservation was opened September 11, 1895. The new school at Fort Berthold has already been referred to. Almost an entirely new plant has been given the Lower Brulé school. The burned buildings at Neah Bay have been replaced. New dormitories have been erected for Menomonee, Crow, Fort Peck, Keam's Canyon, Osage, Kaw Phœnix, Quapaw, Seger Colony, Seneca, Yakima, and Yankton schools. These dormitories were absolutely necessary to relieve overcrowding and give to Indian pupils the amount of space demanded by hygienic science, not to say humanity. The Phœnix and Perris schools have been furnished with much-needed hospitals. The Uintah school has been enlarged; water supply and sewerage have been looked after at Fort Shaw; and a beginning has been made toward having the two wretchedly provided for schools at Yainax and Warm Springs comfortably housed in one set of commodious, suitable buildings. The ten new day schools have already been referred to. Several new day school buildings have been erected, and minor improvements have been made at too many points to be enumerated.

Arrangements are in progress to erect additional buildings at Pottawatomie and Great Nemaha, Fort Lapwai, Fort Berthold, Pine Point, and Wild Rice River schools; also to give five new schools to the Navajoes. Their educational awakening was referred to in my last report, and attention called to the importance of responding with increased school facilities. For 20,000 nomads upon a large and mostly barren reservation several separate schools must be provided, and I have decided that, at present, instead of enlarging the one boarding school now there, it will be better to establish at each of five principal points where there is plenty of water a school to accommodate and care for 50 pupils. They will be erected this fall, and I am in hopes will prove a great blessing to the Navajoes, who are now clamorous for the schooling which they formerly scorned. One of the new day schools opened last year was given these people.

A delegation of Cheyenne and Arapaho Indians, under the charge of Captain Woodson, acting United States Indian agent, who visited Washington last spring, manifested considerable interest in obtaining better school facilities for their people. After fully considering the matter with the agent, it has been decided to erect a new school plant at the Red Moon issue station which will acommodate about 60 pupi

NEEDS.

The needs of the Indian school service are many, but I desire n only to call attention to the most important or the most obvious.

My attention has been directed to the large number of children the Kiowa, Comanche, and Wichita Indian Reservation. About 400 yet to be provided with school accommodations, although this rese tion has now four boarding schools, at Fort Sill, Riverside, Wasl and Rainy Mountain, respectively. The Washita school, wit capacity of 150, must be abandoned, as the buildings are danger worn out, and it will cost more to repair them than they are worth. is proposed to discontinue this school and increase the capacity o remaining three so as to accommodate the school population u vided for now. To make these changes properly will cost not far $50,000.

While the needs of the La Pointe Agency have been partially plied by the new Lac du Flambeau school, there is great need for b ing schools upon other reservations under that agency. The v Indian communities are so widely separated that each one nee own school.

Early this year the school plants at Santee, Nebr., and White Minn., were destroyed by fire. Temporary arrangements hav made to continue these schools and it is proposed to rebuild as practicable.

The large Pine Ridge Agency has been without a Governmen ing school since its buildings burned in February, 1894, while

## SUMMER INSTITUTES.

The excellent influence upon the Indian school service of the five summer institutes held during the months of July and August, 1894, justified the office in arranging for a series of similar institutes during the summer of 1895. Three institutes were held under the personal direction of the superintendent of Indian schools, respectively at Sioux City, Iowa, July 1 to 6, inclusive; Tacoma, Wash., July 21 to 27, and El Reno, Okla., August 5 to 10. More than 500 employees of the Indian school service and a number of missionaries among Indians, and other earnest friends of Indian education, attended these gatherings.

In the preparation of the institute programmes the superintendent of Indian schools had laid stress upon the paramount importance of industrial training in Indian schools, upon the necessity of gradually preparing the respective States to take charge of the work of Indian education, and upon the importance of conscientious cooperation on the part of every school employee with the Government in its Indian policy. In all these directions the institutes achieved decided success. The papers presented throughout, being by persons of tried experience and judgment, were instructive and inspiring. The discussions were extended, free from every indication of acrimony, and thoroughly helpful. Resolutions passed at the different meetings are characterized by a spirit of wise moderation, coupled with great insight into the needs of the Indian school work, and the comments of the press, which took a deep interest in the proceedings, are distinguished by a healthful tone of sympathy with the efforts of the Government in behalf of the Indians. Attention is invited to a more extended account of these institutes contained in the report of the superintendent of Indian schools, which is herewith, page —.

## INDIAN SCHOOL EXHIBIT AT ATLANTA.

With the limited fund allowed it has seemed best to undertake in the Indian Office exhibit at the Cotton States and International Exposition to present only the educational side of the work of the Government among the Indians. This was the course also pursued at Chicago. It was believed that as to Indian history, ethnology, sociology, linguistics, etc., a showing could much more satisfactorily and economically be made by bureaus or institutions which give special attention to such matters; for the Indian Office finds its own hands full in trying to improve the present condition of the Indian, to protect him in his rights, and to look out, so far as practicable, for his future.

Over fifty schools in eighteen States and territories were asked to furnish specimens of schoolroom and industrial work which would give a fair idea of the training afforded in the schools and the proficiency of the pupils. Most of them responded with most creditable material for the exhibit. Some of the work sent was of a very high

Your attention is invited to the following table, showing the appropriations for a series of years:

TABLE 10.—*Annual appropriations made by the Government since the fiscal year 1877 for the support of Indian schools.*

| Year. | Appropriation. | Per cent increase. | Year. | Appropriation. | Per cent increase. |
|---|---|---|---|---|---|
| 1877 | $20,000 | | 1887 | $1,211,415 | 10 |
| 1878 | 30,000 | 50 | 1888 | 1,179,916 | a 2.6 |
| 1879 | 60,000 | 100 | 1889 | 1,348,015 | 14 |
| 1880 | 75,000 | 25 | 1890 | 1,364,568 | 1 |
| 1881 | 75,000 | | 1891 | 1,842,770 | 35 |
| 1882 | 135,000 | 80 | 1892 | 2,291,650 | 24.3 |
| 1883 | 487,200 | 260 | 1893 | 2,315,612 | .9 |
| 1884 | 675,200 | 38 | 1894 | 2,243,497 | a 3.5 |
| 1885 | 992,800 | 47 | 1895 | 2,060,695 | a 8.87 |
| 1886 | 1,100,065 | 10 | 1896 | 2,056,515 | a .2 |

a Decrease.

You will notice that for three successive years the appropriations for Indian education have been reduced.

There are over a quarter of a million Indians in the United States, and the unquestioned policy of the Government is their civilization and final absorption into the great body of the nation. The most effective means for this end are those exerted through a wise educational plan. It is necessary to provide accommodations for that part of the Indian school population now outside of the doors of the schoolroom. The present plants will not do so, and it will be necessary to construct others and enlarge those already established. They should have modern appliances and be well adapted for their purposes, and this will require increasing and not decreasing current appropriations. Moreover, existing schools must be maintained. While the cost of maintaining a plant when once established is not so great as to establish it, yet the expense is continuous. It reaches on through the years, and though often there is little to show for the yearly expenditure—on buildings, for instance—yet without it the buildings would soon become dilapidated and unsafe. There are 204 different school plants now owned and operated by the Government, ranging from one small building for a day school to the cluster of buildings and acres of ground forming the extensive institutions of Carlisle, Haskell, Salem, and others. To erect and equip them has cost a large sum, nor can they be kept in good running order without other large sums; but the soundness of the work they have accomplished and are accomplishing has more than paid for them all.

To establish such new reservation schools as will be necessary to care for the unprovided school population, and to maintain the older ones, and to see that they not only hold their own but improve, will require a considerable expenditure, but I am confident that such expenditure wisely made will redound to the honor and benefit of the whole people.

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order, testifying unmistakably to excellent ability and conscientious performance on the part of both employees and pupils in schoolrooms and shops.

It was hardly practicable to attempt to show what was also being done in the way of training in housekeeping and farming, especially as space for the exhibit was very much restricted. But if these, too, could have had their fair share in the exhibit the all-round training of head and hand which exists in the various Government Indian schools would have ample showing. As it is I am satisfied that the exhibit will be found to be of great interest, and such as to prove conclusively the ability and readiness of Indian youth to adopt the language and assimilate the ideas and ways of the white man; also that the Indian school service has a corps of competent and successful instructors.

Several schools sent exceptionally good specimens of kindergarten work, and from this up to algebra the papers are just such as might be expected from white children of the same age and the same amount of schooling, making allowance for the time consumed in mastering the refractory English language.

## FIELD MATRONS AND FEMALE INDUSTRIAL TEACHERS.

Upon the recommendation of the agents at Standing Rock and Rosebud agencies there have been established among the Sioux the positions of "female industrial teachers (field service)," payable from the Sioux educational fund. Their duties are similar to those of the field matrons—visiting Indian homes and teaching the women the art of domestic economy. The importance of this work is very great and will have a direct bearing upon the education of the girls and make brighter the home life of the returned pupils.

For strictly field matron work Congress gave for the current fiscal year $5,000 more than last year, making the appropriation $15,000. This enables the office to heed a few more calls of agents and Indians for field matrons to be assigned to their fields; but, for want of funds, quite as many requests have been refused as have been granted.

I trust that the appropriation for next year will grant a still further increase in the fund. No doubt as to the value of the service rendered by field matrons toward ameliorating and elevating Indian home life has ever been suggested. As an experiment its success was conceded beforehand, and four years of actual experience only strengthens belief in the good which is being accomplished by the expenditures for such work. A few reports from field matrons are submitted herewith on pages ——.

## ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

| | |
|---|---|
| Yanktons in South Dakota | 1,165 |
| Siletz in Oregon | 541 |
| Chippewas of Lac du Flambeau Reservation in Wisconsin (under treaty of 1854) | 6 |
| Chippewas of L'Anse and Vieux de Sert Reservation in Michigan treaty of 1854) | 176 |
| Nez Percés in Idaho | 1,576 |
| Kickapoos in Oklahoma | 283 |
| Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1854) | 118 |

Patents have been issued but not delivered as follows:

| | |
|---|---|
| Indians of the Round Valley Reservation in California | 601 |

Allotments have been approved by this office and the Department and patents are now being prepared in the General Land Office for the following Indians:

| | |
|---|---|
| Prairie Band of Pottawatomies in Kansas | 322 |
| Kickapoos in Kansas | 159 |
| Poncas in Oklahoma | 627 |
| Nez Percés in Idaho | 218 |
| Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1854) | 16 |
| Chippewas of Bad River Reservation in Wisconsin (under treaty of 1854) | 84 |
| Chippewas of Lac du Flambeau Reservation (under treaty of 1854) | 130 |
| Sioux Indians of the Crow Creek Reservation in South Dakota | 829 |

Schedules of the following allotments have been submitted by this office for the approval of the Department:

| | |
|---|---|
| Otoes and Missourias in Oklahoma | 362 |

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

| | |
|---|---|
| Warm Springs in Oregon | 974 |
| Hoopa Valley addition (Klamath River Connecting Strip) in California | 498 |
| Sioux, Rosebud Reservation in South Dakota | 469 |

The condition of the work in the field is as follows:

**Hoopa Valley Reservation, Cal.**—Special Agent Charles W. Turpin is now prosecuting the allotment work on this reservation. Further surveys are needed, but the state of the appropriations will not justify further contracts for surveys. Unless an appropriation can be obtained early in the next session of Congress it is probable that the work will have to be suspended.

ssion Reservations, Cal.—Of the twenty-eight reservations set apart for the several bands or villages of Mission Indians in southern California, allotments have been made on Pala, Rincon, Potrero, Campo, Temecula, Sycuan, and Capitan Grande, and partly completed on Inaja. The Pala and Sycuan allotments have been approved by the Department; the others have not yet been officially acted upon by this office. The remaining reservations upon which allotments were recommended are the San Manuel, Ramona, Cahuilla, Agua Caliente, Los Coyotes, Torros, Morongo, and Santa Ysabel.

Before allotments can be made on any mission reservation, a patent for the reservation in common must first be issued to the Indians belonging thereon. Such patents have not yet been issued for Cahuilla, Twenty-nine Palms, San Pasqual, San Jacinto, Agua Caliente, Los Coyotes, Torros, Santa Rosa, and Cabezon. Of these, Cahuilla, Agua Caliente, Morongo, Los Coyotes, and Torros which have been recommended for allotment, are large and important reservations, and the work of allotting them should not be postponed; but the issuance of patents therefor is still delayed because, as I am informed, the necessary surveys have not yet been made by the General Land Office.

Round Valley Reservation, Cal.—The allotment of the agricultural or valley lands of this reservation has been completed, and the patents therefor, to the number of 601, as stated above, were issued on April 15, 1895. The western portion of this reserve, composed of grazing and timber lands, will for the present be held in common by the tribe, but may, in the discretion of the President, be allotted in severalty.

Fort Berthold Reservation, N. Dak.—Special Allotting Agent W. S. Grady, who was engaged in making allotments on the Fort Berthold Reservation, died April 7, 1895. He had nearly completed the allotments to the Indians of that reservation, having made about 750 and prepared duplicate schedules covering the same. His work was done in a most excellent and satisfactory manner.

Claude N. Bennett was appointed his successor, and entered upon his duties, under instructions approved by the Department, May 6, 1895. He reported, July 29 last, that he had finished the work of allotments in the field on the 27th of that month, and that 938 allotments had been made. September 16, he submitted a complete schedule making the total number of allotments 949 which is the whole number of persons entitled to allotments on that reservation.

Wichita Reservation, Okla.—April 25, 1895, this office made report on the agreement with the Wichitas, ratified by the act approved March 2, 1895 (28 Stats., 976), and suggested that the work of making allotments to those Indians should be commenced as soon as possible.

Klamath Reservation in Oregon.—Special Agent Charles E. Worden is continuing the work on this reservation, and additional surveys have been recommended.

Lower Brulé Reservation, S. Dak.—The work of making allotments to the Indians of the Lower Brulé Reservation, S. Dak., has been about

finished in the field so far as the Indians entitled have consented to take them. The unallotted ones consist of a few of the straggling White River Indians who have been reluctant to return to the reservation and accept their allotments. They may come in at some future time and ask for land in severalty. If so, provision will be made to aid them in taking allotments.

Agent Winter in report of August 10 last stated that he had made to that date 345 allotments there. His predecessor, George W. McKean, made 272, as shown by schedules forwarded to this office, making a total thus far of 617. Endeavor has been made to give the allottees some timber for use in connection with their agricultural and grazing lands.

**Rosebud Reservation, S. Dak.**—February 5, 1895, Special Agent George C. Crager was directed to turn over his work to Special Agent William A. Winder, who had been appointed to succeed him. Since entering upon duty Special Agent Winder has for the most part been engaged in correcting and revising the work done by Special Agent Crager, but is now engaged in making new allotments.

**Shoshone Reservation, Wyo.**—John W. Clark is making allotments to the Indians of Wind River or Shoshone Reservation, Wyo. He reported August 16 last that he had made up to that date 600 allotments. The work appears to be progressing in a satisfactory manner.

## NONRESERVATION INDIANS.

**Allotments.**—The work of making allotments in the field to nonreservation Indians has been continued by Special Allotting Agent Bernard Arntzen. Since receiving his instructions, July 17, 1893, he has made 795 allotments under the fourth section of the general allotment act as amended by act of February 28, 1891 (26 Stats., 794).

Having received information from a reliable source, that many persons claiming to be Indians were making applications in the Duluth, Minn., land district for allotments to be used not as homes, but to obtain the timber thereon or for other speculative purposes, and that others were applying for lands in violation of the allotment laws, it became necessary to send him to that district to investigate the whole matter and see that only those entitled thereto receive allotments. He has been engaged in that district several months and is likely to be needed there for some time to come. It is believed that his work in that field will prevent the perpetration of further frauds upon the Government.

Since my last annual report the General Land Office has forwarded to this office for consideration and action about the usual number of allotment applications, and 128 allotments have been approved by the Department during the year. There are now ready for transmittal to the Department for consideration and approval about 550 allotments, but these are withheld pending certain decisions touching allotment matters.

Delay in approving allotments and the issuance of patents covering nonreservation lands brings much trouble to the Indian applicants. Often designing white men initiate contests against them. This leads to a recall of the applications from this office, and in many instances suspension of further action thereon. This involves expense to the Indians, which too often in their poverty they are unable to bear, and by reason of the superior knowledge and skill of the white man the result is frequently disastrous to the Indian. When it happens that an Indian allotment application is not in proper form, or by mistake covers lands to which a white man lays claim, which is often the case, the white claimant is quick to discover the mistake and to take steps to defeat the allotment.

The whites in some sections of the country seem to have very little respect for the rights of Indians who have segregated themselves from their tribes and sought to avail themselves of the benefits of the Indian homestead and allotment laws enacted expressly for them by Congress, and I apprehend that the opposition to them will increase as the public domain grows less and less. The Indians having been encouraged to separate themselves from their tribes, abandon their old habits, adopt the pursuits of civilized life, and invited to take homes on the public domain, this office feels it its duty to use every proper means to protect them in the use and occupancy of lands selected by them for homesteads or allotments.

**Patents.**—Since submitting my last report 102 patents for lands allotted to nonreservation Indians under the fourth section of the general allotment act, as amended, have been issued by the General Land Office and transmitted by this office to the registers and receivers of the United States land offices which embrace the lands covered by the respective patents. Of these patents, 40 were for lands in the Ashland, Wis., district; 16 in the Independence, Cal.; 14 in the Humboldt, Cal.; 9 in the Helena, Mont.; 8 in the Roseburg, Oreg., and 7 in The Dalles, Oreg., district. The remaining 8 were distributed in various other land districts in California, Wisconsin, and Michigan.

From the reports of some of the registers and receivers it appears that much difficulty is experienced by them in effecting the delivery of patents. This is notably the case in the Independence and Redding (California) districts, wherein a large number of the patents sent out by this office in May and June, 1894, still remain undelivered. The principal difficulty seems to be that the Indians reside so far from the land office, frequently 100 miles or more, that, being without means of conveyance, they are practically unable to call in person for their patents and receipt for the same, as in most cases they are now required to do by the local land officers. Again, difficulty is experienced in getting notice to an Indian that his patent is awaiting him at the land office, while occasionally, no doubt, he is somewhat indifferent about

calling, after such notice has reached him. This matter is, however, one for the determination of the proper local land officers according to the circumstances in any particular case, and the prompt delivery of such patents, if possible, as well as the delivery of all of them sooner or later, must depend upon the efforts and diligence of those officers.

## CONTESTS INITIATED AGAINST INDIAN HOMESTEADS.

The ever-greedy spirit of the white man is still abroad in the land, and his inordinate desire to seize upon, occupy, and appropriate to his own use and benefit the home of the Indian is manifested by the contests initiated by whites against the homestead entries of Indians, and the many applications to contest Indian applications for allotments of land under the fourth section of the general allotment act as amended.

This Bureau has notice of numerous Indian homestead contests now pending before the General Land Office and the various local land offices. Owing to the remoteness of many of the Indians from a United States Indian agent, and the dispersion of these contests over a vast area of country in the West, it is difficult for this office to afford Indian contestees the assistance which they need and which it desires to furnish. Communication with the Indians by correspondence is difficult, because their post-office addresses are not known to the office, and they seldom go to a post-office for mail, and they are often away from their homes for an "annual hunt," or "hop-picking," or other employment which offers remuneration. Indians travel hundreds of miles to engage in such labor.

Sometimes a special Indian agent can be spared to aid these Indian homesteaders, but too frequently he must travel a long distance and at large expense to render the needed assistance. Indeed, the office is at great disadvantage in its efforts to protect the Indians in their homes off reservations and to defend them against the encroachments of their white neighbors. Moreover, the Indian regards possession of land and assertion of right and claim to it as sufficient to guarantee him peaceable occupancy and enjoyment thereof. The question of title, according to our methods, usually does not concern him. He is ignorant of our public land laws and our manner of acquiring title to the public land, and in many cases it is only after careful explanations and repeated encouragements that he can be induced to apply for lands or defend a contest once initiated against his entry.

When called upon for that purpose United States district attorneys have rendered valuable aid to Indians whose lands are in contest. This course has been pursued in some cases where the Indian lands were valuable and not too remote from the home of the attorney, and it seems to be the most successful method of furnishing nonreservation Indians proper aid when their homes are involved.

## OPENING OF CEDED LANDS.

May 16, 1895, the President issued proclamations opening to settlement the surplus lands in the following reservations: Kickapoo, Okla., Siletz, Oreg., and Yankton, S. Dak. This was in accordance with the agreements with the respective Indians, ratified, the first by the act of Congress approved March 3, 1893 (27 Stats., 557), and the last two by the act approved August 15, 1894 (28 Stats., 286). The Kickapoo Reservation was opened May 23, 1895, the Yankton May 21, 1895, and the Siletz July 25, 1895.

The checks for the first payment to the Nez Percés (except in cases where payment is suspended for letters of guardianship, etc.) have been transmitted to the agency for delivery to the Indians entitled thereto; also 1,575 patents to be delivered to allottees. This is in accordance with the agreement ratified by the act of August 15, 1894 (28 Stats., 286). It is expected that all preliminary requirements of the agreement will be complied with so as to permit the opening of the ceded lands by October 1, if the Department so desires.

## IRRIGATION.

**Navajo Reservation, Arizona and New Mexico.**—The work of irrigation and the development of a water supply on the Navajo Reservation was begun last year according to the plans outlined in my last annual report.

June 22, 1895, I received a report from Mr. E. C. Vincent, superintendent of irrigation on that reservation, giving a summary of his work in the construction of irrigation ditches, dams, flumes, etc., and making statements as to their utility and value to the Indians, with remarks as to the character and habits of the Indians, etc. I quote from it as follows:

BRIEF SUMMARY OF WORK.

**Black Creek.**—Black Creek dam, 160 feet long, 10 feet high, 30 feet wide. Black Creek ditch running from Black Creek into Red Lake, one-half mile long, 6 feet wide, and 3 deep.

**Red Lake.**—Red Lake dam, 1,050 feet long, 10 feet high, 60 feet wide. Red Lake is 2 miles long, 1 mile wide, and is fast filling with water the ditch leading from Red Lake to Black Creek. This ditch is three-fourths of a mile long to bank of Black Creek, 6 feet wide, 2 feet deep.

This is at the head of a valley 2 miles wide by 15 miles long, giving an area of 30 square miles of fine sagebrush land. * * *

The agency ditch is 2 miles long; flume 2 feet wide, 1 foot deep, 400 feet long, hung to cleft with iron rods.

Dam 100 feet long, 40 feet wide, 5 feet high; water running over 30 feet of spillway. Head gate and everything in order, but ditch not entirely completed. * * * This ditch will empty into a long basin when completed. The dam will make a reservoir containing a good supply of water, where the stream will be continuous the year round, and the water flow will be large. The storage will give ample supply of water for irrigating 2,000 acres of fine sagebrush land. I hope to complete this work at an early date.

**Newell Park.**—Two dams at Newell Park completed, 30 feet long, 10 feet high and irrigating about 500 acres of land. This land is damp and holds alfalfa without irrigation; hence it does not take so much water to irrigate and raise crops here. Ditch here one-eighth mile long, 1 foot deep, 4 feet wide.

**Wheatfield.**—Wheatfield ditch completed last fall. Only repaired this spring, where Indians had been drowning out prairie dogs.

**Tsa a Lee.**—Tsa a Lee ditch repaired from injury done by ice gorge in winter and freshet in spring.

**Carreso.**—Carreso ditch, 1½ miles long, is a live stream of water and will irrigate between 500 and 1,000 acres of land. There are a number of Indian farms below this ditch and the Indians are using the water all of the time. Two other ditches must be made at Carreso Creek before work is finished up, later on.

**Cottonwood Pass.**—The ditch at Cottonwood Pass will accommodate a number of farms and will have more land than water, but the land is already started in a grass-like alfalfa and will grow without irrigation, as water is found all over this valley at a few feet under the surface. Down at a distance of from 3 to 7 feet water for drinking purposes may be found in abundance. One mile of 4-foot ditch is fast being completed here. This valley contains several thousand acres of good arable land. * * *

**The future of the Navajoes.**—I have studied this reservation, its climate, topography, and the needs of its inhabitants most carefully. I have traversed the territory from center to circumference, in all directions, and have traversed thousands of miles on which a white man had never before set foot. The sagebrush, scrub pines on the border land, with the limitless ocean-like extent of sandy plains in the interior, make it seem like a desert waste, relieved here and there by patches of cactus. * * *

The sandy soil readily absorbs water, and I have made the conservation of the waters that go to waste during the spring rains a special study, and have built dams, ditches, and reservoirs to save them. In addition to this I have been fortunate enough to discover an underground water supply right through the heart of the desert, some 160 miles in length, where I can reach a never-failing supply of water in from 5 to 10 feet from the surface of the ground in the light sandy soil.

In the spring or summer months the arable land is covered with a dense growth of short grass; in winter this grass looks like sticks or dead straw. On this grass the flocks subsist the year round.

**Agriculture** will never assume great proportions on this reservation, for many reasons:—

(1) The extremes of heat and cold, often within a very few hours of each other, are not conducive to farm crops. Corn can be raised where soil, water, shelter, and conditions are just right for it, but even then it is very light and chaffy.

(2) The high altitude and light, loose soil of this region is far better adapted to grasses than the more sturdy growing farm crops; consequently the urgent need of extending the grass area to its utmost limits.

(3) An Indian takes no chances. He must be assured beforehand that a crop will yield him great returns or he plants it not. Like the proverbial "bread cast upon the waters" it must return to him as pie, or he promptly abandons the enterprise forever.

(4) He is not cut out for a farmer. He inherits love of leisure from his ancestors. He wants neither care, work, nor responsibility. His easygoing, shepherd life is far more to his liking than farming. He continually wanders from valley to mesa in search of "pastures new," and heretofore a spring or lake of water has been regarded as common property. This has caused much needless trouble, for here is "the survival of the fittest" and "might makes right," and such nomadic life has not only been the cause of much strife and dissension, but leaves him with no home life and no permanent abiding place. His summer home is most primitive and unpretentious, consisting of a pine-bough arbor. His winter home is an earth-covered hut wherever he chances to be when winter sets in.

But there will be a new order of things. I have studied their needs carefully, and have made a network of ditches, lakes, ponds, canals, etc., all over this reservation, which, with care and a small outlay from time to time, can be kept in constant and good repair, thus furnishing them a never-failing source of water and grass for the subsistence of their flocks. To the waterworks already established should be added, in the most arid districts, artesian wells.

Thus will the Indians legally hold their permanent grazing grounds, for there will be sufficient water and forage for all, and being permanently located, they can afford to build themselves better hogans, and a better order of living will follow. With increase of pasturage and water they can increase their flocks and herds which will increase their prosperity; and with the extension of their present grazing grounds, their tribal and clan relations will be improved and trust among them be established, and thrift and competence promoted.

These Indians are quick, shrewd, and intelligent and learn to copy civilized improvements rapidly. Since the advent of the trader they have learned many things new if not always profitable.

The first month I was on the reservation, a very dignified delegation consisting of the 20 most prominent chieftains of the tribe who called a council to ask me how many years it would be before beginning operations. They explained that they didn't want their lands drained; that the Great Father at Washington would compel them to farm and they didn't want to do it. Besides, they argued, if they did get their lands in good culturable condition, other Indian tribes would swoop down upon them and take their lands, or the ever-advancing, encroaching white man would come in and drive them farther on to the westward.

It took time and work to demonstrate to them the benefits to be derived from irrigation. As a year has passed away, and they have received the benefits I assured them would accrue, they are well pleased. * * * In accordance with my instructions, I have employed Indians on this work wherever possible, and, to their credit, they make far better laborers than the motley white help of this border land. With a good system of irrigation in full progress here there is not a necessity for much aid in other directions for these Indians, for they are fairly prosperous. They excel as silversmiths and in the arts of pottery, blanket, and basket weaving, all of which are sources of revenue. There is gold and silver on the reservation, but it is carefully guarded by them. They have a revenue from wool and mutton. They are self-sustaining. They are not fastidious about their food; they prefer superlatively a meat to vegetable diet. They eat everything, even to dead horse, except bear meat and fish. They have a superstition among them that the devil incarnate dwells in bruin and not one of them could be induced to kill a bear unless it was a life-or-death conflict.

The Indians keep fires burning on the crest of the mountains all the night to keep the mountain lions and bears from attacking their flocks and herds in the valleys. * * *

Superintendent Vincent has been called upon for his plans as to further work on the reservation. It is now thought that it would be wise to use a portion at least of remaining funds available for irrigation and water supply on that reservation in boring some artesian wells, where they will be most useful to the Indians for stock and domestic purposes; but that question will not be finally determined until further plans and full information as to the same shall have been submitted.

**Fort Hall Reservation, Idaho.**—Under authority granted by the Department November 20, 1894, Superintendent Graves was directed November 24, 1894, to proceed to the Fort Hall Reservation, for the purpose,

among other things, of giving careful consideration to the matter of furnishing that reservation with a water supply, under the legislation referred to in my last annual report. Ill health delayed his work, and his report of April 27, 1895, was not sufficiently explicit to enable this office to decide intelligently upon the matter. He was therefore summoned to this city for a consultation, which was also attended by the president of the Idaho Canal Company, which had previously been granted a conditional right of way through this reservation, and which had submitted a proposition for a water supply.

After an extended conference this office came to the conclusion that the terms offered by the Idaho Canal Company were reasonable and that the best results would be reached by means of a contract with it. Accordingly, June 19, 1895, a proposed form of contract with said company, together with the draft of a bond for $50,000 to secure faithful performance of the same, was submitted, which was approved by the Department July 10, 1895, and this office instructed to have the same executed on the part of the company, after which the contract was to be forwarded for execution by the Department and the bond for filing. July 16, 1895, the contract and bond were transmitted to Mr. C. W. Spalding, one of the principal stockholders, for execution by the officers of the company. August 7, 1895, the contract[1] and bond were received and duly executed.

**Reservations in Montana.**—From the report of Inspector McCormick, dated July 29, 1895, it appears that under the superintendency of Walter H. Graves, engineer in charge, 34.03 miles of main ditch and 25.27 miles of laterals have been constructed on the Crow Reservation, covering 22,427 acres, at a total cost of $138,730.50. The inspector states that for durability, strength, and beauty of construction this work surpasses by far any that he has seen elsewhere.

The expenditure of some $5,400 on the Blackfeet, $18,000 on the Fort Belknap Reservation, and $2,975 on the Fort Peck Reservation has been authorized during the year, payable from installments due the Indians under the agreement ratified by act of May 1, 1888 (25 Stats., 113).

Plans and estimates have been received from the acting agent in charge of the Fort Peck Agency, for a comprehensive system of irrigation on that reservation, involving an expenditure of some $140,000. He suggested also that after further surveys another system might be found preferable. This office on April 24, 1895, recommended that authority be granted for the employment of an engineer for not exceeding one year to prepare further plans and estimates, stating that in case such authority were granted the agent would be instructed to

[1] Since the date of this report the Department has decided not to have this work done by contract, and has instructed the office to ascertain the feasibility of obtaining a sufficient water supply and of constructing irrigating canals, wherever practicable, by Indian labor under a superintendent of irrigation employed by the Government.

have surveys and estimates made of the most feasible system of irrigation for this reservation, and to ascertain the views of the Indians as to the expenditure of their money for such purpose. No action has been taken upon this recommendation so far as I am advised.

The Indians on these reservations have funds accumulated from the installments heretofore due them under their agreements. These installments will soon cease, and unless something be done meantime to enable them to procure a living this accumulation will be expended in a few years, at the end of which time they will be no better off. But if these funds be expended in providing systems of irrigation on the respective reservations it will give the Indians an opportunity to become self-sustaining, and by the sale of surplus irrigated lands further funds can be obtained for the maintenance and operation of such systems of irrigation.

**Miscellaneous.**—During the year the funds available for irrigation purposes apportioned by Congress have been expended on the various reservations where the need of such expenditure seemed most urgent.

In connection with this subject I deem it my duty to emphasize the recommendation of my predecessor for the appointment of some suitable and competent man to superintend the work of irrigation construction. Such superintendent should also be required to investigate and report upon all recommendations for the expenditure of irrigation funds involving new construction, and when necessary he should prepare plans and estimates. During the year I have twice been obliged to take Superintendent Graves from his work on the Crow Reservation for the purpose of making investigations upon the Fort Hall and Navajo reservations. None of the inspectors and special agents have any technical knowledge of engineering or irrigation, so that their services are not available, even if they could be spared from their appropriate duties.

The appointment of a competent superintendent of irrigation would not only enable the Department to determine with some certainty what work should be undertaken, but would also enable it to construct the work with greater economy than as a rule is now practicable and with greater assurance that it would be well done.

## COMMISSIONS.

**Blackfeet and Fort Belknap reservations.**—Authority having been conferred upon the Department by a clause in the Indian appropriation act for the current fiscal year to negotiate with the Indians of Blackfeet and Fort Belknap reservations for the cession of certain portions of their reservations, a commission has been appointed and is now negotiating with the said Indians under instructions of this office dated August 19, 1895, and approved by the Department August 20,

1895. The commission is composed of Messrs. William C. Pollock, George B. Grinnell, and Walter M. Clements.

**Chippewa Reservations, Minn.**—The annual report of this office for 1890 gives an account of the negotiations with the Chippewa Indians of Minnesota for the cession of certain of their lands, in accordance with the provisions of the act of Congress approved January 14, 1889 (25 Stats., 642). In subsequent reports will be found statements of the work accomplished by the commission from year to year in removing Indians to White Earth, in making allotments, etc. But few removals to the White Earth Reservation have been made during the past year, owing somewhat to the change in the rule spoken of in the last annual report which provided that after October 1,[1] 1894, efforts for the removal of Indians thither should cease.

May 24, 1895, the Assistant Attorney-General gave an opinion[2] deciding certain questions which had embarrassed the commission and retarded the progress of their work. The most important of these questions were: (1) "Who is a Chippewa Indian, within the meaning of the act of January 14, 1889?" (2) "Is a Chippewa Indian who is an actual resident of another State or Territory entitled to the benefits of said act of 1889?" (3) "Is a mixed-blood Chippewa, who was a resident of the State of Minnesota at the date of the passage of the act of 1889, but who resided apart and away from any of the reservations, and who refuses to go to the White Earth Reservation and reside there, entitled to any of the benefits of said act?" (4) "Are mixed-blood Chippewas who have received scrip under the treaties of 1854–55 entitled to allotments under the act of 1889?" and (5) "Are the children of a Chippewa Indian woman who was married to a citizen of the United States subsequent to August 9, 1888, entitled to the benefits of the act of 1889?"

The questions were decided as follows: (1) A Chippewa Indian must be of Chippewa Indian blood; must have a recognized connection with one of the bands of Chippewa Indians within the State of Minnesota; must have been a resident of the State at the date of the passage of said act of 1889, and must remove to (if he is not already a resident on) one of the Chippewa reservations with the bona fide intention of making it his permanent home. Questions 2, 3, and 5 were answered in the negative, and question 4 in the affirmative.

The commission now consists of Hon. Melvin R. Baldwin, chairman; J. Montgomery Smith, commissioner and special disbursing agent, and Benjamin D. Williams.

The following are itemized statements of the disbursements of the commission, and the work accomplished by them from September 1, 1894, to September 1, 1895:

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[1] By Department authority of September 23, 1895, this time has been extended to May 1, 1896.

[2] A copy of the opinion of the Assistant Attorney-General was furnished the commission September 28, 1895.

*Disbursements of Chippewa Commission from September 1, 1894, to September 1, 1895.*

| | |
|---|---|
| Salaries and expenses of the commission | $13,013.00 |
| Expenses of allotting land, salaries of allotting agent and surveyors | 4,621.41 |
| Salaries of regular employes, 1 clerk, 1 interpreter, 2 farmers, 1 scaler, 1 teamster, 1 tinsmith | 4,865.00 |
| Transportation of removals and board, including expenses of surveyors to and from their field of labor | 558.24 |
| Feed and other expenses connected with the keeping of commission's team | 100.70 |
| Transportation of supplies | 396.33 |
| Building houses from stump | 3,265.00 |
| Unclassified expenses-issuing rations, loading and receiving freight, etc | 132.62 |
| Expenses breaking land and seeds | 388.12 |
| Subsistence supplies (open market) | 4,599.07 |
| Open market purchases of hardware, sleds, plows, harrows, etc | 1,462.45 |
| Purchase of cattle | 185.00 |
| Purchase of tin stock | 154.56 |
| Rent of offices, warehouse, and purchase of office supplies | 532.44 |
| Stenographing and typewriting | 175.05 |
| Total | 34,448.99 |

*Allotments made from September 1, 1894 to September 1, 1895.*

| | |
|---|---|
| White Earth Reservation: | |
| Mississippi Chippewas | 227 |
| Mille Lac Chippewas | 60 |
| Gull Lake Chippewas | 32 |
| Fond du Lac Chippewas | 10 |
| Otter Tail Pillager Chippewas | 78 |
| Leech Lake Pillager Chippewas | 44 |
| White Oak Point Mississippi Chippewas | 12 |
| Pembina Chippewas | 7 |
| Total | 470 |
| Fond du Lac Reservation: | |
| Fond du Lac Chippewas | 36 |
| Cass Lake and Winnebigoshish Reservation: | |
| White Oak Point Mississippi Chippewas | 8 |
| Leech Lake Pillager Chippewas | 207 |
| Total | 721 |

In addition to the above original allotments 378 changes were made in allotments on the White Earth Reservation and 23 allotments were readjusted on the Cass Lake and Lake Winnebigoshish reservations.

During the year 49 houses were built, at an aggregate cost of $3,167, or an average cost of $64.62 each for the labor employed, exclusive of the cost of material. For the construction of these houses 415,000 feet of lumber, 4,712,000 shingles, and 7,800 pounds of nails were issued to persons removed.

The removals for the year are as follows:

| | |
|---|---|
| Leech Lake Pillagers | 13 |
| Mille Lacs | 10 |
| Gull Lakes | 12 |
| Total | 35 |

**Puyallup.**—The Puyallup Indian commissioners, appointed by the President under the act of March 3, 1891 (27 Stats., 612), are in the field engaged in the prosecution of the work assigned them. They have platted into lots, blocks, and streets, as an Indian addition to the city of Tacoma, so much of the agency tract of the Puyallup Reservation, Wash. (exclusive of the burying ground), as is not needed for school purposes.

| | Acres. |
|---|---|
| The agency tract as originally surveyed contained | 598.80 |
| They reserved— | |
| For school, farm, and garden | 62.12 |
| For cemetery and church | 19.43 |
| For railroads, streets, and alleys, as platted | 164.75 |
| For Tacoma Land Company, as per prior deed | 14.10 |
| They have platted into lots and blocks for sale | 338.40 |
| Total | 598.80 |

The appraised value by the commission of the lots and blocks in the said addition is $212,000; highest appraised value per acre, $1,362.35; lowest, $200; average, $623.93.

The appraisements have been approved by the Department and sales ordered, the Indians having consented, as provided by law, to the sale of the lots and blocks as appraised.

Lots and blocks to the amount of $27,220.50 have been sold, $10,488.50 having been collected in cash, the balance being on time, and about 100 deeds have been executed by the commissioners to the respective purchasers and reported for consideration and approval by the Department. These deeds have received consideration, and most of them have been approved.

Certain Indian allottees have given consent to the sale of portions of their respective allotments. These lands selected for sale have been appraised by the commission and the appraisement thereof approved by the Department. Portions of two allotted tracts have been sold, the consideration being $4,193.50. The cash collected thereon is $1,401.50.

It is expected that the commission will soon report the sale of other lots and blocks of the agency tract, and portions of other allotted lands.

It may be remarked that the lands are not selling for the high prices once anticipated, owing to the depressed condition of affairs in the section of country where they are located; but under existing conditions it is thought to be for the best interests of the Indians concerned to carry out the provisions of the Puyallup act, authorizing the sale of these lands.

January 30, 1886, 167 patents were issued to the Puyallup Indians. The commissioners say that the persons named in these patents numbered 155 men, 148 women, and 195 children, making a total of 498 persons; that since the issuance of patents to them, 56 men, 42 women, and 108 children, or a total of 206 of the original patentees have died, leaving but 292 now living. One hundred and nineteen children have been born among them since the date of the patents, making a total of 411 patentees now living. Of these there are 233 adults, 149 of whom signed the written consent to sell the agency tract. Many of these adults are old and infirm and in need of financial aid. Others who are younger desire to sell a portion of their allotted lands to secure money with which to improve the parts of the allotted tracts reserved as homes, so that it is thought best for the Indians to continue the efforts to sell the agency tract lots, and some of their allotted lands as well.

**Uintah and Ouray reservations, Utah.**—Section 20 of the Indian appropriation act approved August 15, 1894 (28 Stats., 286), authorizes the President to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation in the Territory of Utah agricultural and grazing lands according to the treaty of 1880 (21 Stats., 200). Said section also requires the commissioners, as soon as practicable after their appointment, to report to the Secretary of the Interior what portions of the reservation are unsuited or not required for allotments, "and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry."

Section 21 provides that the remainder of the lands on that reservation shall, upon the approval of the allotments by the Secretary of the Interior, be immediately opened to entry under the homestead and mineral laws of the United States, no person being allowed "to locate more than two claims, neither to exceed 10 acres, in any lands containing asphaltum, gilsonite, or like substances: *Provided*, That after three years' actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of $1.50 per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof the sum of $1.50 per acre."

Section 22 provides:

> That said commission shall also negotiate and treat with the Indians properly residing upon the Uintah Reservation, in Utah, for the relinquishment to the United States of the interest of said Indians in all lands within said reservation not needed for allotment in severalty to said Indians and, if possible, secure the consent of such Indians to such relinquishment and for the acceptance by said Indians of allotments in severalty of lands within said reservation.

Any agreement made will become operative only when ratified by Congress.

Messrs. S. S. Scott, Uchee, Ala., Timothy A. Brynes, Atlantic City, N. J., and William S. Davis, Little Rock, Ark., were appointed commissioners under the above legislation November 28, 1894, and entered upon their duties under instructions approved by you December 8, 1894.

January 8, 1895, the commissioners submitted a report in which they referred to the provisions in the act of June 5, 1880 (21 Stats., 199), ratifying the agreement with the Utes, which require that the Uncompahgre Indians shall pay $1.25 per acre for the lands allotted them, and stated that these Indians were unable to see why they should be required to pay for the lands to be allotted them while the Uintahs, living alongside, were not required to make such payments. The commission anticipated great difficulty in satisfactorily explaining this matter to the Indians and suggested whether it would not be best for the Government to relieve the Indians of this payment. January 26, 1895, I recommended that a section be added to the then pending Indian appropriation bill relieving the Uncompahgre Indians of the payment required by the act of June 5, 1880, but favorable action was not taken by Congress. I am still of the opinion that such legislation is desirable and that justice to the Indians requires it.

May 6, 1895, the commission submitted a report relative to the lands which might be immediately opened to settlement, being unsuited and not needed for allotment, which report was submitted to you June 3, 1895, with the recommendation that certain described lands be opened to settlement under the provisions of the act of August 5, 1894. I am not advised that any action has been taken thereon.

The sum of $16,000 was appropriated for salaries and expenses of this commission. According to the books of this office it has already expended, including advances for the first quarter of 1896, some $12,100. It is therefore evident that if its work is to be continued a further appropriation will be necessary.

Mr. Davis, one of the commissioners, died on the 19th of August, 1895.

## LEASING INDIAN LANDS.

Section 3 of the act of Congress approved February 28, 1891 (26 Stats., 794), authorizes the leasing of both allotted and unallotted or tribal Indian lands.

The Indian appropriation act of August 15, 1894 (28 Stats., 305), contains an item which modifies the previous law, without any reference to that law, however. These items, as well as the rules and regulations to be observed in the execution of leases of allotments, have been quoted in previous annual reports, but for the benefit of such as have not ready access to the United States Statutes they are quoted again. The law of February 28, 1891, is as follows:

That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty, can not personally and with benefit to himself occupy or

improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

The law as amended by the act of August 15, 1894, reads as follows:

That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary, for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes: *Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes.

The amendment, by the insertion of the words "or inability," enlarges the class of allottees who may lease; it increases to five years the period for which allotted lands may be leased for farming and grazing purposes (before it was three years); it enables allottees to lease for business purposes, and authorizes the leasing of tribal lands for farming purposes under the same rules and regulations and for the same term of years as was formerly allowed in the case of leasing for grazing purposes. During the past year the leases of allotted lands have been executed under the amended act. The amended rules and regulations will be found in the annual report of this office for 1894, page 421 et seq.

As stated in my last report, the indiscriminate leasing of allotments will not be permitted. The agents in charge of reservations where alloted lands are situated are expressly instructed not to permit any allottee to lease his lands unless he clearly falls within the provisions of the law "by reason of age, disability, or inability," as defined in the amended rules and regulations. It has been thought that the indiscriminate leasing of allotments would defeat the very purpose for which they were made. If an allottee has the physical and mental ability to cultivate his allotment, either personally or by hired labor, he should not be permitted to lease it.

## ALLOTTED LANDS.

Since the date of the last annual report the following leases of allotted lands have been approved:

**Cheyenne and Arapaho Reservation, Okla.**—Eleven farming and grazing leases. The length of term is generally three years. The cash consideration paid the allottees at this agency ranges low, the principal part of the consideration consisting in improvements to be placed upon the lands by the lessees.

**Nez Percé Reservation, Idaho.**—About thirty farming and grazing leases. The period is from one to three years. The prevailing price is $1 per acre per annum, though some pieces are leased as low as 50 cents per acre, while a few pieces are leased as high as $2 per acre.

**Omaha and Winnebago reservations, Nebr.**—About sixty-one farming and grazing leases. The prevailing period is three years, though some that have been executed since November 15, 1894, are for the period of five years. The prices are about the same as last year, ranging from 25 cents per acre for grazing lands to $2.50 per acre for the best farming lands. For raw unbroken lands, for the period of three years, the average price is 75 cents per acre per annum. For average farming lands where small improvements have been made the prevailing price is $1 per acre.

**Ponca, Pawnee, etc., Agency, Okla.**—Thirty-eight farming and grazing leases of the Tonkawa Indians and 60 leases of the Pawnee Indians The leases, with few exceptions, are either for three or five years; most of those executed since November 15, 1894, are for the period of five years. The prices, as last year, range from 25 cents per acre per annum for grazing lands to $1 per acre for farming lands. Most of the leases call for the erection of certain improvements in addition to the money consideration therein mentioned.

**Quapaw Agency, Ind. T.**—Five leases for business purposes, on the Wyandotte Reservation, each for the period of ten years from date of execution; approved by this office on July 31, 1895, and by the Department on August 1. Two mining leases, executed, respectively, by Samuel Ball to James L. Sherer, and by Charles S. Hood, guardian, to James L. Sherer and Thomas E. Thompson, have been transferred by the lessees to Thomas T. Luscombe.

**Santee Agency, Nebr.**—No leases have been approved at this agency during the past year. For a statement of the leases in force see annual report for 1893.

**Sac and Fox Agency, Okla.**—About 21 farming and grazing leases. Those executed prior to November 15, 1894, are mainly for the period of three years; those executed since are almost invariably for the period of five years. The cash consideration at this agency ranges low, the practice prevailing to lease the lands mainly in consideration of improvements to be placed thereon by the lessee.

**Siletz Agency, Oreg.**—Two farming leases, each for the period of three years from date of execution. The consideration in each case consists of one-third of all the crops to be raised on the leased lands.

**Umatilla Agency, Oreg.**—About 160 farming and grazing leases, and two business leases. The period ranges from one to five years. The prices range a little higher than last year, the prevailing price being about $1.25 per acre per annum. A few inferior pieces are leased as low as 50 cents an acre, while some allotments are leased as high as $2.50 per acre.

**White Earth Agency, Minn.**—No leases have been executed at this agency during the past year. (See annual report for 1894 for statement of leases.)

UNALLOTTED OR TRIBAL LANDS.

Since the date of the last annual report the following leases of tribal lands have been approved:

**Crow Reservation, Mont.**—Five leases, each for the period of five years from June 30, 1895. The leases are renewals of the old permits, and at the prices formerly paid. They are described as follows:

| Name of lessee. | Range. | Acres. | Annual rental. | Maximum number of cattle. |
|---|---|---|---|---|
| Samuel H. Hardin | 1 | 188,000 | $5,640.00 | 8,500 |
| Columbia Land and Cattle Co | 2 | 191,000 | 7,544.00 | 9,000 |
| Portus B. Weare | 3 | 199,000 | 6,984.90 | 8,000 |
| Thomas Paton | 4 | 179,000 | 6,390.30 | 7,500 |
| Matthew H. Murphy | 5 | 89,000 | 3,221.80 | 5,000 |

**Kiowa and Comanche Reservation, Okla.**—Nine leases, each for the period of one year from April 1, 1895, at the uniform rate of 6 cents per acre. They are described as follows:

| Name of lessee. | Acres. | Annual rental. | Name of lessee. | Acres. | Annual rental. |
|---|---|---|---|---|---|
| E. C. Sugg & Bro | 342.638 | $20,558.28 | John R. Stinson | 37,440 | $2,246.40 |
| D. Waggoner & Son | 538,970 | 32,338.20 | Reuben M. Bourland | 44,640 | 2,678.40 |
| Samuel B. Burnett | 287,867 | 17,272.02 | Wilson & Silberstein | 100,343 | 6,020.58 |
| James Myers | 57,000 | 3,420.00 | Presley Lee Herring | 138,760 | 8,325.60 |
| William A. Wade | 74,880 | 4,492.80 | | | |

**Omaha and Winnebago reservations, Nebr.**—The annual report for 1892 mentions two leases on the Omaha Reservation, each for the period of five years from May 1, 1892, at 25 cents per acre per annum, for a total area of 22,604.18 acres, at an annual rental of $5,651.13. During the past year the following leases of tribal lands on the Omaha Reservation have been approved:

| Name of lessee. | Acres. | Annual rental. | Name of lessee. | Acres. | Annual rental. |
|---|---|---|---|---|---|
| Zelotes D. Yeaton | 1,509.02 | $377.50 | George Anderson | 1,040.00 | 260.00 |
| Swan Olsen | 3,741.32 | 935.33 | William Lucas | 1,040.00 | 260.00 |
| Thomas Grenier | 40.00 | 10.00 | Jay F. Dodd | 170.00 | 75.00 |
| I. H. Carey et al | 4,073.13 | 1,018.28 | Henry D. Bryam | 80.00 | 20.00 |
| Guy T. Graves | 293.35 | 73.30 | Joseph Lyon | 40.00 | 10.00 |
| Mary C. Lewis | 80.00 | 20.00 | | | |

Other leases of tribal lands both on the Omaha and Winnebago reservations, have been executed but have not yet been approved by the Department.

**Osage Reservation, Okla.**—The last annual report mentions the existence of thirty-four grazing leases on this reservation, each for the period of three years from April 1, 1893, at the uniform rate of 3½ cents per acre per annum, containing a total estimated area of about 831,188 acres, at an annual rental of $29,091.58. No additional leases have been executed during the past year.

**Kaw Reservation, Okla.**—No additional leases on this reservation have been made during the past year. For a statement of the leases in force see annual reports for 1893 and 1894.

**Ponca Reservation, Okla.**—But one pasture on this reservation has been leased during the past year. West Ponca Pasture, estimated to contain 33,000 acres, leased to George W. Miller for one year from April 1, 1895, at an annual rental of $3,010; lease approved by the Secretary of the Interior on March 29, 1895. East Pasture not leased.

**Otoe and Missouria Reservation, Okla.**—Likewise, but one pasture has been leased on this reservation during the past year. West Otoe Pasture, estimated to contain 40,000 acres, leased to Frank Witherspoon for one year from April 1, 1895, at an annual rental of $2,600; lease approved by the Secretary of the Interior on March 29, 1895. East Pasture not leased.

**Shoshone Reservation, Wyo.**—Four grazing leases, each for the period of three years from March 1, 1895, as follows:

| Name of lessee. | Range. | Acres. | Annual rental. |
|---|---|---|---|
| Edson A. Earle | 1 | 329,523 | $500.00 |
| George Finch | 2 | 403,520 | 625.00 |
| Speed R. Stagner | 3 | 283,520 | 750.00 |
| James K. Moore | 4 | 100,171 | 751.29 |

The leases for ranges numbered 1, 3, and 4 were approved by the Department on March 21, 1895, and the lease for range numbered 2 on April 26, 1895.

**Uintah Reservation, Utah.**—No additional leases on this reservation have been approved during the present year. (See annual report for 1894.)

## TROUBLE WITH LEASES ON OMAHA AND WINNEBAGO RESERVATIONS, NEBRASKA.

In connection with leasing Indian lands, I deem it of importance to state briefly the facts in relation to the recent trouble at the Omaha and Winnebago agency growing out of leasing.

Early in the summer of 1893, shortly after Capt. William H. Beck, U. S. A., had been detailed as acting agent of that agency, he reported that there were a great many illegal lessees and sublessees in occupancy of the lands. Similar reports had previously been made by special

agents of this office and by inspectors of the Department, showing that something like 50,000 acres were covered by these illegal leases and subleases. Based upon Captain Beck's report, on July 17, 1893, this office took steps looking to the ridding of the reservations of all illegal occupants of the lands. He was directed to warn all lessees and sublessees who held leases direct from the Indians without the sanction and approval of this Department that their pretended leases were null and void and that they must either make leases under the regulations of the Department or abandon the lands they thus held on or before December 31, 1893; also that they should plant no further crops or make further improvements on the lands until legal leases should have been entered into. From September 15 to about October 1 all the illegal lessees were served with these notices to quit.

Anticipating that actual force might be used in removing their sublessees, the Flournoy Live Stock and Real Estate Company, the principal transgressor, on October 11, 1893, brought an action of injunction in the United States district court of Nebraska against Captain Beck, restraining him and the agency employees from interfering with their possession of the lands described in their bill of complaint (some 37,000 acres) or any person holding under them. Following the example of the above-named company, on January 6, 1894, Ernest J. Smith brought an action of injunction against Captain Beck, restraining him from interfering with his (Smith's) possession of the lands described in his bill of complaint. January 28, 1894, similar injunction suits were brought against Captain Beck by B. T. Hull & Sons, Frank B. Hutchins, trustee, and George F. Chittenden (of the old firm of Wheeler & Chittenden), making five injunction suits in all. Later and at different times, and after the adverse decision in the Flournoy case, the other cases were dismissed.

The injunction case brought by the Flournoy Company, after much delay, was finally heard by Judge Dundy, of the United States circuit court, and the injunction was made permanent. The case was appealed to the United States circuit court of appeals, in St. Louis, and on December 10, 1894, this court rendered a decision overruling Judge Dundy, holding that the pretended leases of the Flournoy Company were illegal and void. The decree of the circuit court was accordingly reversed and the case remanded to that court with directions to vacate the decree and dismiss the bill at complainant's cost. (See 65 Fed. Rep., p. 30.)

The Flournoy Company shortly afterwards applied for and obtained, through Mr. Justice Brewer, an appeal to the United States Supreme Court, no supersedeas being applied for or granted. Based, probably, upon the appeal to the Supreme Court, notwithstanding there was no supersedeas, the Flournoy Company continued to make leases with the Winnebago Indians without the consent of this Department and to execute leases in favor of sublessees.

About April 19, 1895, under the advice of the Solicitor-General of the United States, Ralph W. Breckenridge, special assistant United States district attorney, prepared a bill of complaint for an action of injunction against the Flournoy Live Stock and Real Estate Company, Anton Ahlstron, and some 263 other defendants, all of whom were alleged illegal lessees and sublessees. On April 22 Captain Beck reported that the judge of the United States district court at Lincoln, Nebr., and the judge of the United States circuit court at St. Paul, Minn., had, respectively, refused to issue a restraining order upon said bill of complaint.

March 29, 1895, James B. Sheehan, attorney for the Flournoy Company, wrote this office submitting a proposition of compromise of the differences then existing between the company and the Department. The company proposed, in consideration of a suspension of all litigation and in case it be allowed to enjoy the uninterrupted use and occupancy of the lands, to surrender the same January 1, 1896, reserving to itself the right to remove from the lands all buildings and improvements they had placed thereon. To this the office replied, April 2, that any offer of compromise on the part of the company should be submitted through the acting agent, Captain Beck. The later correspondence shows that the proposition had been submitted to Captain Beck the same day it was submitted to this office. April 2 Captain Beck forwarded the proposition to this office and submitted reasons why it should not be accepted. This closed all overtures for a compromise.

The company immediately renewed its efforts to sublease the lands held by it, and Captain Beck renewed his efforts at evicting the illegal occupants. About this time authority was granted Captain Beck for the employment of 16 additional police to assist in the removal of the trespassers. April 20 he telegraphed this office that on the preceding day the sheriff of Thurston County attempted to arrest one of his Indian police; that in turn the police force arrested the sheriff and brought him to the agency; that he at once swore out a warrant before a justice of the peace for the formal arrest of the sheriff; that the case was continued until the following day, and that the newspapers stated that the sheriff was organizing a posse for his (Beck's) arrest. A copy of this telegram on the same day was sent to the Department for submission to the Attorney-General for such action as he might deem proper. To this the Solicitor-General replied in part that this Department had ample power under the statutes to protect and enforce the rights of the Indians as to the lands passed upon by the decrees of the courts sustaining departmental control of the same.

About May 1 Captain Beck asked for the employment of 50 additional policemen, feeling that his force was still inadequate to successfully cope with the opposition that would be offered by the Flournoy Company and its subtenants. The matter on May 8, with a full statement of the facts, was submitted to the Department with favorable recommendation. After some further correspondence with Captain

Beck regarding the status of affairs, on June 5 the Department granted authority for the temporary employment of 50 additional Indian police to aid in the removal of trespassers, such employment to commence July 1.

In the meantime the War Department had issued an order for shipment to Captain Beck of 20 Springfield rifles with a supply of ammunition for the equipment of his entire police force. This order was later changed by the War Department, June 14, upon the recommendation of this office, directing the shipment of 70 Springfield rifles and a supply of ammunition to Captain Beck for the equipment of his police force.

Captain Beck, having thus received authority to increase his police force, and being supplied with arms and ammunition from the War Department, proceeded to protect the interests of the Indians in accordance with the decision of the United States circuit court of appeals, by attempting to evict all the illegal lessees—those who had not entered into lawful leases under the regulations of the Department. Some evictions had been made and the work was proceeding when, on July 18, Captain Beck telegraphed the office that an injunction against himself, the agency employees, and several lessees who had leased properly had been issued by the district court of the State of Nebraska; and that men from Pender were in Omaha buying arms and ammunition to arm 100 deputies to arrest his police, and he asked for troops to protect his police in case an attempt was made to arrest them. He also desired instructions as to whether or not he should obey the order of injunction. The office telegraphed him on the same day that it could not advise him to disobey the injunction issued by the State courts, but advised him to consult with the United States district attorney as to what steps should be taken. A copy of Captain Beck's telegram was sent to the Secretary of War for his information.

On July 29, in response to office letter of the 26th, Captain Beck made a report as to the status of affairs.

About the 1st of August the office received, by reference from the Department for report, a communication from Hon. William V. Allen, Hon. John M. Thurston, Hon. George D. Meiklejohn, Hon. W. E. Andrews, and Hon. J. B. Strode, of the Nebraska Congressional delegation, dated July 25, 1895, relative to an unofficial investigation made by them of the troubles growing out of the leasing question at the Omaha and Winnebago Agency. They recommended that the sublessees of the Flournoy Company be permitted to harvest and remove their present crops, without further molestation on the part of the acting agent, and that an immediate and searching investigation be made of the affairs of the agency. A full report upon this communication was made to the Department on August 3.

The present status of the case, then, is, as shown by Captain Beck's telegram of July 29, that the United States district attorney is endeav-

oring to have the injunction case that was brought in the State courts transferred to the Federal courts, and Captain Beck, in the meantime, has suspended further evictions from the lands described in the bill of complaint, upon which the injunction was granted.

The object in dispossessing the Flournoy Company and its sublessees was that the Indians might receive a just and fair consideration for their lands. The company leased direct from the Indians at a very small agreed consideration, ranging from 15 to 50 cents per acre per annum and would sublease at from 25 cents to $2.50 per acre per annum. The company itself, it is understood, did not occupy or cultivate any of the leased lands, but relied for its profits on subleasing; and enormous profits they were, as can readily be seen. The plan of subleasing was that the subtenant should pay the company the agreed price, leaving the company to pay the Indians; and to make the case more aggravating, for the past two years the company has paid the Indians little or nothing for the use of their lands, many of the Indians who leased their individual allotments receiving absolutely nothing.

It has been the policy of the office from the start that no "middleman" should receive any profits from leasing Indian lands, that the lands should be leased direct by the agent, and the rental go to the Indians. And in breaking up the system of illegal leasing, so as to do away with all middle profits, it was not the original purpose of this office, or of Captain Beck, to dispossess the subtenant in any case where he was a proper party to lease Indian lands, and where the allottee clearly fell within the provision of the law as one who might lease his lands. Therefore the sublessees were advised from the start that in all proper cases they might come to the agency and enter into legal leases under the instructions from the Department. Some complied; others refused.

A great many of the subtenants had given their notes to the company in payment of the rent, due in one, two, three, and four years, and so on, in accordance with the length of the term. These notes had found their way into the banks in the towns and cities adjacent to the agency, and the holders declared that they should be paid. The argument of the sublessee was that, as he had given his notes to the company in payment of the rent, which notes he must pay in any event, if he entered into a legal lease through the agent he would then be compelled to pay rent twice for the same land. Doubtless they were encouraged in this position by the company, who also assured them that they would be protected in the possession of the lands under the subleases; and in carrying out its promises of protection to its sublessees the company has instituted the legal proceedings above referred to.

## INDIAN LANDS SET APART TO MISSIONARY SOCIETIES.

Several tracts of reservation lands have been set apart during the year for the use of societies carrying on educational and missionary work among Indians, as follows:

TABLE 11.—*Lands set apart on Indian reservations for the use of religious societies from August 28, 1894, to August 31, 1895.*

| Name of church or society. | No. of acres. | Reservation. |
|---|---|---|
| Missionary Society, Methodist Episcopal | *a* 160 | Blackfeet, Mont. |
| American Missionary Association | 40 | Fort Berthold, N. Dak. |
| Board of Home Missions, Presbyterian | *b* 10 | Zuni, N. Mex. |
| Woman's National Indian Association | 5 | Spokane, Wash. |
| American Missionary Association | 160 | Rosebud, S. Dak. |
| Roman Catholic | *c* 2 | Lower Brulé, S. Dak. |
| Society of Jesus (Roman Catholic) | 160 | Blackfeet, Mont. |
| Domestic and Foreign Missionary Society, Protestant Episcopal. | 40 | Rosebud, S. Dak. |
| Woman's Home Missionary Society, Methodist Episcopal | *d* 3,$\frac{64}{100}$ | Pawnee, Okla. |
| Protestant Episcopal | $\frac{360}{1000}$ | Pyramid Lake, Nev. |
| Roman Catholic | 9 | Crow, Mont. |
| American Missionary Association | 10 | Do. |
| Domestic and Foreign Missionary Society, Protestant Episcopal. | 80 | Crow Creek, S. Dak. |

*a* Granted in 1891 to the Woman's National Indian Association, but surrendered by them in favor of the Methodist Episcopal Church.
*b* In lieu of another tract of 10 acres upon Zuni Reservation granted in 1888.
*c* On agency reserve.
*d* On land reserved for agency purposes at Pawnee subagency.

In each case the amount of land assigned is the amount asked for by the society desiring to occupy it, and the Indians have given their consent to such use of the land. As a rule this carries with it the privilege of using such stone and timber, found on the respective reservations, as the societies may need in putting up buildings for the furtherance of their work among the Indians.

A table giving all lands on Indian reservations set apart for missionary purposes will be found on page —.

## RAILROADS ACROSS RESERVATIONS.

### GRANTS SINCE LAST ANNUAL REPORT.

Since the date of last annual report Congress has granted railroad companies rights of way across Indian lands as follows:

**Sioux Reservation, S. Dak.**—By act of Congress approved February 12, 1895 (28 Stats., p. 653, and p. — of this report), the *Forest City and Sioux City Railroad Company* was granted right of way through the Sioux Reservation, S. Dak., beginning at a point on the west bank of the Missouri River, in Dewey County, S. Dak., opposite Forest City, Potter County, running thence by the most practicable route in a southwesterly course between the Cheyenne and Moreau rivers to the city of Deadwood or Rapid City, S. Dak., the right of way granted being 50 feet in width on each side of the central line of the road; also station

grounds adjacent to the right of way, not to exceed one station for each 10 miles of road, 200 feet in width by a length of 3,000 feet. No maps of definite location of the line of the road have yet been filed for approval.

**San Carlos Reservation, Ariz.**—By act of Congress, approved February 18, 1895 (28 Stats., 665, and p. — of this report), the *Gila Valley, Globe and Northern Railway Company* was granted right of way for the extension of its railroad and for a telegraph and telephone line through the San Carlos Reservation, Ariz., entering the reservation on the south side of the Gila River about 7 miles below Fort Thomas, continuing down said Gila River in a generally northwesterly direction, crossing the same at or near the San Carlos Indian Agency; thence running up or near the San Carlos River in a generally northerly direction to or near Aliso Creek; thence along or near Aliso Creek in a generally westerly or northwesterly direction to the town of Globe, in Gila County, Ariz., by such route as shall be deemed advisable by the company; such right of way to be 50 feet in width on each side of the central line of the road; the company also to have the right to take from the lands adjacent to the line of road material, stone and earth, necessary for the construction of the same; also grounds adjacent to the right of way for station buildings, etc., not to exceed in amount 200 feet in width by 3,000 feet in length for each station, and to an extent not exceeding one station for each 10 miles of road within the limits of the reservation. July 25, 1895, the President directed that the consent of the Indians to the right of way and the construction of the road should be obtained at a council of the chiefs and other members of the tribes occupying the reservation; and that the council should be called by the agent of said Indians or by such other officer or officers of the Indian service as the Secretary of the Interior may designate. August 24 the Secretary directed that the council should be conducted by the acting agent of the San Carlos Agency.

GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

**Indian and Oklahoma Territories.**—*Kansas City, Pittsburg and Gulf Railroad Company.*—In the annual report for 1893 mention is made of the fact that the above company was granted right of way through the Indian Territory by act of Congress approved February 27, 1893 (27 Stats., 487). By act of Congress approved March 2, 1895 (28 Stats., 744, and p. — of this report), section 9 of the original act was amended to read as follows:

That said railroad company shall build at least fifty miles of its railroad in said Territory prior to the first day of March, eighteen hundred and ninety-seven, and complete main line of the same prior to the first day of March, eighteen hundred and ninety-nine, or the rights herein granted shall be forfeited as to that portion not built. That said railroad company shall construct and maintain continually all fence, road, and highway crossings, and necessary bridges over said railroad whenever said roads and highways do now or may hereafter cross said railroad's right of way, or may be by the proper authorities laid out across the same.

January 31, 1895, the Department approved the map of definite location of section 1 of the road. May 6, 1895, the Secretary approved an amended map of section 1 and map of section 2 of the line of road. July 8, 1895, the map of definite location of section 3 was approved by the Department, but the original map of section 4 was not approved. A new map of section 4 was approved July 16, 1895. August 21, 1895, the company filed a mortgage in favor of the Missouri, Kansas and Texas Trust Company, of Kansas City, Mo., and the State Trust Company, of New York City, to secure the issuance of gold bonds to an amount not exceeding $25,000 per mile of completed single main track and of yard and terminal tracks, and $15,000 additional per mile of completed main or double track of said line of railroad, or its extensions and branches, not to exceed at any one time the capital stock of the company.

*Choctaw, Oklahoma and Gulf Railroad Company (formerly the Choctaw Coal and Railway Company).*—October 6, 1894, the president of the company transmitted to this office a certificate of the reorganization of the Choctaw Coal and Railway Company as the Choctaw, Oklahoma and Gulf Railroad Company, as provided for in section 3 of the act of Congress of August 24, 1894 (28 Stats., 503). October 23, 1894, the president of the company filed a certified copy of the deed of conveyance to the purchasers of the rights, property, and franchises of the Choctaw Coal and Railway Company, and also filed a mortgage of the company to the Finance Company of Philadelphia to secure an issue of $1,000,000 in bonds. January 16, 1895, the Department approved amended maps of definite location of sections 5, 6, and 8 (there being no section numbered 7). At that time amended map of definite location of section 4 (the section which extends through the Kickapoo Reservation) was held by the Department for further consideration. February 15, 1895, the Secretary indorsed upon that map the following: "The within map is hereby disapproved, except where said line coincides with the line shown upon the original map of the fourth section filed in the Indian Office in 1890." April 12, 1895, the general agent of the company filed a mortgage in favor of the Girard Life Insurance, Annuity and Trust Company of Philadelphia to secure the issue of $5,500,000 in bonds.

From time to time the president of the company has filed reports showing amount of coal mined monthly in the Choctaw Nation, in accordance with the provisions of the act of October 1, 1890 (26 Stats., 640). July 16, 1895, the company tendered a draft for $2,588.81 in payment for right of way for three 10-mile sections, extending westward from a point about 2 miles west of the Missouri, Kansas and Texas Railroad, and also in full of the annual tax at the rate of $15 per mile, for the fiscal year ending June 30, 1895, for each mile of road constructed through Indian lands. The amount due for right of way for said three sections was $1,500; the remaining $1,088.81 is for annual tax.

*Denison and Northern Railway Company.*—As mentioned in the last annual report, the above-named company was granted a right of way through the Indian Territory by act of Congress approved July 30, 1892 (27 Stats., 336). May 4, 1895, the maps of definite location of sections 1 and 2 of the main line of the road, and May 25, 1895, the maps of definite location of sections 1 and 2 of the northwestern branch of the road were approved by the Department. May 24, 1895, the company filed a mortgage in favor of the Title Guarantee and Trust Company of Chicago, Ill., to secure an issue of $2,300,000 in bonds.

*Kansas, Oklahoma Central and Southwestern Railway Company.*—As mentioned in the last annual report, the above company was granted right of way through the Indian and Oklahoma Territories by act of Congress approved December 21, 1893 (28 Stats., 22). No maps of definite location of the line of road have yet been filed.

*Kansas and Arkansas Valley Railway Company.*—The last annual report mentions the fact that this company by act of Congress approved June 6, 1894 (28 Stats., 86), was granted an extension of three years from February 24, 1894, within which to build the first 100 miles of its additional lines of road as provided for in the act of Congress approved February 24, 1891 (26 Stats., 783). No maps of definite location of said additional lines have yet been filed for approval. June 29, 1895, the company tendered a draft for $2,444.55 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1895.

*Hutchinson and Southern Railroad Company.*—By reference to the last annual report it will be seen that, by act of Congress of August 27, 1894 (28 Stats., 505), the above company was granted a further extension of three years from February 3, 1895, within which it might construct its line of road through Oklahoma and the Indian Territory, as provided in the act of Congress of February 3, 1892 (27 Stats., 2), amending the original act, the act of Congress of September 26, 1890 (26 Stats., 485). The maps of definite location of the line of road through the Cherokee Outlet and the maps of station grounds of six stations, on request of the General Land Office, were transmitted to that office September 25, 1893. No maps of definite location of the extension of the road through the Indian Territory have been filed in this office. So far as this office is aware, no portion of the road has been constructed.

*Arkansas, Texas and Mexican Central Railway Company.*—As mentioned in the last annual report, this company was granted a right of way through the Indian Territory by act of Congress approved August 4, 1894 (28 Stats., 229). No maps of definite location of the line of road have, however, yet been filed for approval.

*Chicago, Rock Island and Pacific Railway Company.*—Reference to the last annual report will show that the above company, by act of Congress approved February 27, 1893 (27 Stats., 492), was granted a

right of way through the Indian Territory, as an extension of its line of road from Chickasha Station, on its present line, running thence in a southeasterly direction to the south line of the Indian Territory; also from said Chickasha Station running thence in a southwesterly direction to the west or south line of the Territory of Oklahoma. No maps of definite location of these extensions, however, have yet been filed for approval. June 29, 1895, the company tendered a draft for $1,593, in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1895.

*Gainesville, Oklahoma and Gulf Railway Company.*—The last annual report shows that this company was granted a right of way through the Indian Territory by act of Congress approved February 20, 1893 (27 Stats., 465). No maps of definite location of the line of road have yet been filed for approval.

*Gainesville, McAlester and St. Louis Railway Company.*—Reference to the last annual report will show that the above company, by act of Congress of March 1, 1893 (27 Stats. 524), was granted a right of way through the Indian Territory. No maps of definite location of the line of road have yet been filed for approval.

*Interoceanic Railway Company.*—The last annual report states that by act of Congress approved March 3, 1893 (27 Stats., 747), this company was granted right of way through the Indian Territory. No maps of definite location of the line of road have, however, yet been filed for approval.

*Gulf, Colorado and Santa Fe Railway Company.*—August 2, 1895, the company, through its attorneys in this city, tendered a draft for $1,500 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands, for the fiscal year ended June 30, 1895.

*The Southern Kansas Railroad* (leased to the Atchison, Topeka and Santa Fé Railroad Company).—July 12, 1895, the receivers of the latter-mentioned company tendered a draft for $85.50 in payment of the annual tax of $15 per mile for that portion of the road extending through Indian lands, for the fiscal year ended June 30, 1895.

*Dennison and Washita Valley Railroad Company.*—July 11, 1895, the company tendered a draft for $150 in payment of the annual tax of $15 per mile for that portion of the road extending through Indian lands, for the fiscal year ended June 30, 1895.

**Grand Ronde Reservation, Oreg.**—By reference to the last annual report it will be seen that the *Albany and Astoria Railroad Company*, by act of Congress approved June 6, 1894 (28 Stats., 87), was granted a right of way through the Grand Ronde Reservation, Oreg. No maps of definite location have yet been filed for approval.

**Omaha and Winnebago reservations, Nebr.**—Reference to the last annual report shows that the *Eastern Nebraska and Gulf Railway Company*, by act of Congress approved June 27, 1894 (28 Stats., 95), was

granted a right of way through the Omaha and Winnebago reservations, Nebr. No maps of definite location have yet been filed for approval.

**Chippewa reservations, Minn.**—The last annual report states that the *Brainard and Northern Railway Company*, by act of Congress approved July 6, 1894 (28 Stats., 99), was granted right of way through the Leech Lake Reservation, Minn. Also that by act of Congress approved July 18, 1894 (28 Stats., 112), the *St. Paul, Minneapolis and Manitoba Railway Company* was granted right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac reservations, Minn. Also that by act of Congress approved August 27, 1894 (28 Stats., 504), the *Duluth and Winnipeg Railroad Company* was granted a right of way for the extension of its road through the Chippewa and White Earth reservations, Minn. Likewise that by act of Congress approved August 23, 1894 (28 Stats., 489), the *Northern Mississippi Railway Company* was granted right of way for an extension of its line of road through the Leech Lake, Chippewa, and Winnibigoshish reservations, Minn. No maps of definite location of these lines of road have been filed for approval.

**Fond du Lac Reservation, Minn.**—The last annual report refers to the fact that the Indians of the Fond du Lac Reservation, Minn., have never been paid for the right of way of the *Northern Pacific Railway Company* through their reservation lands. A brief account of the steps preliminary to bringing suit against the company is also given. September 22, 1894, the facts in the case were laid before the Secretary of the Interior, with the recommendation that the Attorney-General be requested to direct the United States attorney for the district of Minnesota to institute action in the proper United States court, on behalf of the Indians, to enforce payment from the company. Under date of October 4, 1894, the Attorney-General stated that the papers had been sent to the United States attorney for Minnesota, with instructions to institute action.

**Devils Lake Reservation, N. Dak.**—The last annual report referred to the fact that the *Jamestown and Northern Railway Company* had never paid for its right of way through the above reservation. A full history of this case is printed in House Ex. Doc. No. 3, Forty-eighth Congress, second session, and Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which attention is invited. On a number of occasions this office has recommended that Congress ratify the agreement entered into July 28, 1883, between the company and the Indians; but no final action has yet been taken.

**Menomonee Reservation, Wis.**—Mention is made in the last annual report of the fact that by act of Congress approved July 6, 1892 (27 Stats., 83), the *Marinette and Western Railway Company* was granted a right of way through the above reservation. No maps of definite location of the line of the road have yet been filed.

CONDITIONS TO BE COMPLIED WITH BY RAILROAD COMPANIES.

In the construction of railways through Indian lands a systematic compliance by companies with the conditions expressed in the right-of-way acts will prevent much unnecessary delay. I therefore quote the requirements which have been stated in previous reports. Each company should file in this office—

(1) A copy of its articles of incorporation, duly certified to by the proper officers under its corporate seal.

(2) Maps representing the definite location of the line. In the absence of any special provisions with regard to the length of line to be represented upon the maps of definite location, they should be so prepared as to represent sections of 25 miles each. If the line passes through surveyed land, they should show its location accurately according to the sectional subdivisions of the survey; and if through unsurveyed land, it should be carefully indicated with regard to its general direction and the natural objects, farms, etc., along the route. Each of these maps should bear the affidavit of the chief engineer, setting forth that the survey of the route of the company's road from ——— to ———, a distance of ——— miles (giving termini and distance), was made by him (or under his direction), as chief engineer, under authority of the company, on or between certain dates (giving the same), and that such survey is accurately represented on the map. The affidavit of the chief engineer must be signed by him officially and verified by the certificates of the president of the company, attested by its secretary under its corporate seal, setting forth that the person signing the affidavit was either the chief engineer or was employed for the purpose of making such survey, which was done under the authority of the company. Further, that the line of route so surveyed and represented by the map was adopted by the company by resolution of its board of directors of a certain date (giving the date) as the definite location of the line of road from ——— to ———, a distance of ——— miles (giving termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved ——— (giving date).

(3) Separate plats of ground desired for station purposes, in addition to right of way, should be filed, and such grounds should not be represented upon the maps of definite location, but should be marked by station numbers or otherwise, so that their exact location can be determined upon the maps. Plats of station grounds should bear the same affidavits and certificates as maps of definite location.

All maps presented for approval should be drawn on tracing linen, the scale not less than 2,000 feet to the inch, and should be filed in duplicate.

These requirements follow, as far as practicable, the published regulations governing the practice of the General Land Office with regard to railways over the public lands, and they are, of course, subject to modification by any special provisions in a right-of-way act.

## LOGGING ON INDIAN RESERVATIONS.

Lac du Flambeau Reservation, Wis.—The logging on this reservation, which was entered upon September 28, 1892, when the President granted authority for the sale to J. H. Cushway & Co. of the timber standing on Indian allotments, has proceeded satisfactorily since my last report. The only incidents of importance since then have been the approval by the President, on February 27, 1895, of a list of 128

new allotments, and the granting of authority by the President, on March 26, 1895, for the sale of the timber on those allotments to said J. H. Cushway & Co.; 101 contracts for such sales have been received in this office for approval.

**Bad River Reservation, Wis.**—As stated in my last report, the President granted authority January 6, 1894, for the sale to Justus S. Stearns of timber on allotments to the Indians of the Bad River Reservation, and the dead and down timber on the unallotted or tribal lands of said reservation, the plan of operation being similar to that in force at Lac du Flambeau. Mr. Stearns completed the erection of his mill and commenced to saw lumber in September, 1894, and so far as the reports in this office show, the logging on this reservation has proceeded satisfactorily and to the benefit of the Indians.

December 7, 1894, the President approved a list of eighty-four new allotments to Indians of the reservation, and granted authority, on the 24th of the same month, for the sale to Mr. Stearns of the timber on those allotments. Mr. Stearns has entered into contract with eighty-two of these new allottees, and these contracts have been approved by this office.

**Lac Court d'Oreilles Reservation, Wis.**—The conditions affecting the timber of this reservation are materially different from those existing at Bad River and Lac du Flambeau. The quantity of merchantable timber on the reservation in September, 1894, was estimated at not more than 24,000,000 feet, and there is no railroad nearer to the reservation than 19 miles, and no navigable streams flowing through it that will afford a practicable means of transporting lumber to market. The plan of erecting a mill and manufacturing the timber on the reservation, which is in operation at Bad River and Lac du Flambeau, could not, therefore, be applied to the Lac Court d'Oreilles Reservation.

August 18, 1894, Lieutenant Mercer, the acting agent of the La Pointe Agency, which includes the Lac Court d'Oreilles Reservation, reported that he had received from Henry Turrish, of Eau Claire, Wis., a bid of $2.50 per 1,000 feet stumpage for the green white pine and $1.25 per 1,000 feet stumpage for green Norway and dead and down pine on that reservation. He stated that he had endeavored to obtain better bids, but that, on account of the small quantity and scattered condition of the timber, the distance it would have to be hauled to the banking places, and the distance to drive thence to market, he believed that the prices offered by Mr. Turrish were the best that could be obtained, and he therefore recommended that the bid be accepted.

At the same time he stated that the Lac Court d'Oreilles Chippewas were in a most destitute condition, and would not be able to subsist through the approaching winter unless some relief be afforded them by permitting them to sell their timber and reap the benefits that would arise from the opportunities for employment which the contemplated logging operations would give. The extensive fires in Wisconsin during the

summer of 1894 had, to a large extent, destroyed the crop of cranberries, which usually brought the Indians a considerable revenue, and also the wild rice crop, upon which many of them depended almost entirely for subsistence, and the general business depression throughout the country had affected the logging business in Wisconsin to such an extent that it was impracticable for Indians who usually got employment outside the reservations in lumbering camps to obtain such work at that time.

In view of the situation of the timber and the condition of the Indians, as reported by Lieutenant Mercer, Mr. Turrish's bid was submitted to the Department in a report of September 17, 1894, with the recommendation that the President grant authority for its acceptance, notwithstanding the prices offered were much less than those paid on Bad River and Lac du Flambeau reservations for the same classes of timber. The prices on these two reservations are $4 and $2 per 1,000 feet, respectively. The President gave such authority September 20, 1894, and Mr. Turrish having filed bond for $25,000, dated October 2, 1894, the acting agent was notified to permit him to proceed with his logging operations. One hundred and fifty-three contracts between Mr. Turrish and Lac Court d'Oreilles allottees for the sale to him of timber on their allotments have been approved, and as far as the reports show the Indians have received much benefit from the logging.

This relief, however, will be but temporary. There is such a small quantity of timber to be logged, that two or at the most three years will see the close of the logging business on that reservation. Those who have timber on their allotments, under the plan which gives the agent practical control of the money received for it, will be provided against want for a short time after the logging is stopped; but the many whose allotments were cut clean in former years and who have squandered the money received for their timber, will, unless they be taught to take care of what they receive now for their labor as loggers and to provide for the future, be as destitute as they were before.

This reservation was at one time considered as embracing one of the most extensively timbered tracts in northern Wisconsin. The timber was not only plentiful but also of the finest quality. Between the years 1882 and 1889, however, the reservation was practically denuded of its timber, and the money paid therefor to the Indian allottees was squandered in gambling and other extravagances. Over 300,000,000 feet of timber was taken from the reservation during the years named, and, except that four or five of the Indians have built nice houses, and are in comparatively comfortable circumstances, the Indians have nothing to show for their days of prosperity.

This fact is due largely to the system under which the timber on the various reservations of the La Pointe Agency was permitted to be sold and the logging operations to be conducted. On each reservation were

a number of lumber firms, each firm wanting, of course, to obtain the best timber; and each seems to have gone systematically to work to hoodwink or debauch the Indian allottees in order to secure their good will and timber. In many instances an allottee would make a contract to sell his timber to two or more, even as high as five, different firms, when there would be a long and bitter fight between the lumber men to determine who should have it. Indeed, on the Bad River Reservation at one time the logging camps are said to have resembled the encampment of an army. Armed forces were maintained by the firm in possession of a certain body of timber to prevent encroachments by the forces of other lumber men who claimed a better right thereto. The Indian was mostly paid for his timber in merchandise (each lumber firm had a store on the reservation), on which the lumberman made a good profit. Some were paid large sums of money, which would be squandered in one night in gambling and drink.

The system now in operation under this agency is different. The office has decided upon the policy of allowing only one logger on each reservation. The lumberman is required to pay for the timber in cash to the agent, and the Indian is permitted to have money to be used only for proper purposes, such as building a house on his allotment or otherwise improving his land to adapt it for agricultural use, and when his check is honored the farmer on the reservation is required to see that he spends the money for the purpose designated. Under this system many of the Indians on the Lac du Flambeau Reservation, where logging has been going on the longest, have built very comfortable houses on their allotments, and all have warm clothing to protect them in the bitter winters of that region and plenty to eat all the year round.

**Menomonee Reservation, Green Bay Agency, Wis.**—September 26, 1894, the Department, on recommendation of this office, granted authority for the agent at the Green Bay Agency to arrange with and employ the Menomonee Indians to cut and bank as much as practicable of the 6,000,000 feet (estimated) of timber remaining on ground already cut over, and to cut and bank 11,000,000 feet from virgin pine lands, under the rules and regulations that governed similar operations in the year 1893. This office was also authorized to instruct the agent to commence logging operations on or before November 1, 1894, compensation to the Indians to be at such reasonable rates as might be obtainable, not exceeding $6 per 1,000 for pine and $2.50 per 1,000 for other kinds of timber. Instructions of November 4, 1893, in relation to the cutting of tops and butts into shingle bolts were also approved for the year 1894.

September 29, 1894, this office, in compliance with the above authority, issued the following instructions to Agent Savage at the Green Bay Agency:

In reply to your letter of 12th instant, you are informed that under date of 26th instant, the Department has approved the rules for Menomonee logging in force last season, and they are to govern this season's work, of which rules you no doubt have a copy.

I will inclose a copy of the Department letter above referred to, by which you will see that the first authority granted is for the cutting and banking of the 6,000,000 feet (estimated) of timber remaining on ground already cut over, and second for the cutting and banking of 11,000,000 feet from virgin pine lands.

It is evidently the purpose of the Department to secure the cutting and banking of all left on the cut-over ground, whether standing or fallen, to the extent at least of 6,000,000 feet, if there is so much, and you and the superintendent of logging should make contracts there first. Of course this will not require all the loggers, and contracts can afterwards be made with others for cutting the virgin pine. You must use good judgment about this, so as to insure getting out all on the cut-over ground.

The cutting on new ground is to be clean. No timber suitable for a log, standing or fallen, is to be left behind, as was the case in other seasons.

In addition to this 17,000,000 feet the Menomonees are allowed to cut the tops and butts into shingle bolts and bank them for sale under the same rules as last season; that is, that no timber which will make a merchantable saw log shall be cut into shingle bolts.

I will expect you and the superintendent and assistant superintendent of logging to give careful attention to this season's work, so that the rules and regulations prescribed by the act of June 12, 1890, and by the Department, may be strictly complied with. * * *

Under the above instructions Agent Savage proceeded to cut and bank 6,990,500 feet of logs on the South Branch of the Oconto River and 10,009,500 feet on the Wolf River and branches, a total of 17,000,000 feet. On further instructions from this office he advertised said logs for sale, and March 16, 1895, submitted an abstract of bids received, which showed $11.55 per 1,000 to be the highest bid for the logs on the Oconto River, and $7.62 the highest bid for the logs on the Wolf River and tributaries. On the recommendation of this office the Department accepted the bid of the Oconto Lumber Company of $11.55 per 1,000 for the 6,990,500 feet on the Oconto River, which was deemed a fair price, but rejected all bids for the 10,009,500 feet on the Wolf River and tributaries, and authorized Agent Savage to readvertise the Wolf River logs. This he did; and at the second letting received a bid of $7.75 per 1,000 from S. W. Hollister and Tom Wall, of Oshkosh. This, together with the other bids, was submitted to the Department April 16, 1895, with the recommendation that, as the season was so far advanced that there was no prospect of obtaining a better price by again advertising these logs, the bid of S. W. Hollister and Tom Wall be accepted, and the sale to them of the logs on Wolf River and tributaries, at $7.75 per 1,000 be confirmed. At the same time the following comparative statement was submitted, from which it would be observed that if the bid of Hollister & Wall, above referred to, should be accepted, the Menomonee logs would be disposed of to a decidedly better advantage for the year 1894 than for the previous year, notwithstanding the fact that the price of lumber in that locality was at the time of the sale considerably lower than at the same time the previous year.

| | |
|---|---|
| Logs sold in spring of 1894: | |
| 20,000,000 feet, at $8.35 per 1,000 | $167,000 |
| Logs sold in spring of 1895: | |
| 6,990,500 feet, at $11.55 per 1,000 | 80,740.28 |
| 10,009,500 feet, at $7.75 per 1,000 | 77,573.63 |
| Or 17,000,000 feet, at an average of $9.31 per 1,000 | 158,313.91 |

This gives an average of 96 cents per 1,000, increase over the price of previous year. April 19, 1895, the Department, in view of the above recommendations, accepted the bid of S. W. Hollister and Tom Wall, and the sale to them of 10,009,500 feet more or less on the Wolf River and tributaries was confirmed.

In addition to the 17,000,000 feet of logs Agent Savage cut and banked shingle bolts as follows:

| | | |
|---|---|---|
| On Wolf River and tributaries | feet.. | 1,291,610 |
| On South Branch of Oconto River | do... | 1,424,840 |

As directed in Department letter of March 27, 1895, said shingle bolts were advertised for sale, and on receipt of bids from Agent Savage an abstract of same was submitted to the Department May 1, 1895, and it was recommended that the bid of Meiklejohn & Hatton, of $2.77 per 1,000 feet for shingle bolts on Wolf River and tributaries, and that of William M. Underhill, of $3.30 per 1,000 for those on the South Branch of the Oconto River, being the highest bids received, be accepted. From the agent's statement it appeared that the average price of the two highest bidders was about 5 cents per 1,000 feet less than the previous year, but the agent stated that the shingle market was dull and he did not think a better price could be realized by readvertising, and I did not deem it advisable to pursue that course under any circumstances.

In accordance with the above recommendations the Department, May 2, 1895, accepted these bids and confirmed the sale to Meiklejohn & Hatton of the shingle bolts on Wolf River and tributaries, 1,291,610 feet, at $2.77 per 1,000 feet, and the sale to W. M. Underhill of the shingle bolts on the South Branch of the Oconto River, 1,424,840 feet, at $3.30 per 1,000 feet.

**White Earth and Red Lake reservations, Minn.**—The extensive forest fires in the northwest during the summer of 1894 killed large bodies of timber on the Chippewa reservations in Minnesota. In reports of October 25 and November 1, 1894, Agent Allen, of the White Earth Agency, furnished estimates which indicated that on the White Earth and diminished Red Lake reservations about 29,000,000 feet of timber had been killed by these fires. Previously to these reports he had transmitted a petition from the Indians for authority to engage in logging this dead timber during the season then approaching, with the recommendation that it receive favorable consideration. November 14,

Gordon W. Lillie ("Pawnee Bill") took Indians from the Rosebud Reservation, S. Dak., to the Antwerp Exposition, Belgium. When some of these Indians returned to this country their condition was such as to cause unfavorable newspaper comment as to the treatment they had received abroad. The United States Indian agent of the Rosebud Agency was thereupon requested to make a report as to the condition of the returned Indians, which he did December 27, 1894, to the effect that all of the Indians claimed to have been badly treated, improperly and insufficiently fed, underpaid, and abused by the man in charge of them; and that they all emphatically refused to go again with "Pawnee Bill." Mr. Lillie afterwards (January 22, 1895) applied for permission to take Indians again for show purposes, but he was refused.

Mr. Stone, of Perry, Okla., entered into contract, etc., and took some Indians of the Ponca, etc., Agency, Okla., for the purpose of going East and playing baseball. While in St. Louis, Mo., the Indians were abandoned without money or food and were finally sent to their homes at the expense of Mr. Stone's bondsmen. The Indians, however, were not paid their salaries as stipulated in their contracts. This office, therefore, April 16 last, recommended that the case be referred to the Department of Justice in order that suit might be instituted for the recovery, from the bondsmen of Mr. Stone, of the amount due the Indians, about $400.

Mr. William L. Taylor ("Buck Taylor") was likewise granted authority, entered into proper contracts, etc., and took 15 Indians of the Rosebud Agency, S. Dak., for the purpose of giving public exhibitions of "American frontier life." His "show" became stranded in St. Louis, Mo., and this office was compelled to return the Indians to their homes on the Rosebud Reservation at the expense of the Government. The United States Indian agent reported that the Indians were not properly fed or clothed, nor were they paid the salaries stipulated in their contracts. This office therefore recommended, June 8, 1895, that this case also be referred to the Department of Justice, that suit might be instituted for the recovery from the bondsmen of Mr. Taylor of the amount due the Indians under their contracts, about $3,200.

In view of these experiences the office will be very slow to grant the privilege of securing Indians for such purposes to any new company, corporation, or individual. Many applications for such permission have therefore been refused.

## SALE OF LIQUOR TO INDIANS.

In my last annual report the attention of the Department was invited to a decision by Judge Bellinger, of the United States district court of Oregon, in which it was held that the sale of liquor to Indians who have taken allotments in severalty is not a violation of section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27

## EXHIBITION OF INDIANS.

Some applications have been received during the year asking for authority to take Indians from reservations for exhibition purposes, but most of them have been refused. The authorities by the Department are as follows:

January 23, 1895, to Messrs. Cody ("Buffalo Bill") and Salsbury to take 125 Indians from reservations in North and South Dakota, Arizona, New Mexico, and Oklahoma for general show and exhibition purposes. A bond in the sum of $10,000 was given by this firm.

January 23, 1895, to James A. Bailey, of Barnum & Bailey Circus, to employ 10 Moquis, 10 Apaches, and 10 Navajo Indians from their reservations for general show and exhibition purposes. The bond given in this case was for $5,000.

March 9, 1895, to Charles P. Jordan, licensed trader at Rosebud Agency, S. Dak., to take about 20 Indians from the Rosebud Agency, for the purpose of exhibiting a Sioux Indian village at the Atlanta Exposition. He had previously had charge of a party of Indians at the Midwinter Exposition in California, and in view of his good care and satisfactory treatment of those Indians, his personal acquaintance with the Rosebud Sioux, and his long connection with the Indian service, he was granted this special permission and no bond was required of him.

Authority has occasionally been granted allowing Indians to attend local celebrations, under such conditions and restrictions as would insure the Indians proper treatment and surroundings. Such opportunities to participate in town or State gatherings tend to identify the interests of the Indians with those of their white neighbors, and to foster harmonious relations between them.

As stated in my last annual report, whenever engagements with Indians for exhibition purposes are made their employers are required to enter into written contracts with the individual Indians, obligating themselves to pay such Indians fair stipulated salaries for their services; to supply them with proper food and clothing; to meet their traveling and needful incidental expenses, including medical attendance, etc., from the date of leaving their homes until their return thither; to protect them from immoral influences and surroundings; to employ a white man of good character to look after their welfare, and to return them, without cost to themselves, to their reservation within a certain specified time. They have also been required to execute bonds for the faithful fulfillment of such contracts.

In three cases where persons were last year granted authority to engage Indians for show and exhibition purposes, and in which proper contracts were entered into with the individual Indians, and bonds executed and filed with this office, the terms of the contracts were very largely disregarded.

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Stats., 260). I also set forth my reasons for believing that the court erred in its decision.

Since that time the United States circuit court of appeals at San Francisco has rendered a decision in the case of Eells et al. *v.* Ross (64 Fed. Rep., 417), which sustains my view as to the authority of the Government over Indian allottees and shows how the court would hold if it were possible to get before it a case of liquor selling to such allottees; but as these cases are of a criminal character no appeal can be taken by the Government. For this reason the office made strenuous efforts to secure the passage of the bill (H. R. 6657) which was introduced in the last Congress by Mr. Meiklejohn, and which was as follows:

That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce, or attempt to introduce, any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall be punished by imprisonment for not more than two years, or by a fine of not less than one hundred dollars for the first offense and not less than two hundred dollars for each offense thereafter, or by both fine and imprisonment, in the discretion of the court: *Provided, however*, That when the punishment shall be by fine the person convicted shall be committed until fine and costs are paid, the informers to have and receive one-half of all fines paid and collected. But it shall be a sufficient defense to any charge of introducing, or attempting to introduce, ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department, or any officer duly authorized thereunto by the War Department.

SEC. 2. That so much of the act of twenty-third day of July, eighteen hundred and ninety-two, as is inconsistent with the provisions of this act is hereby repealed.

The bill was passed by the House of Representatives in the last hours of the last session, but too late to receive the consideration of the Senate, and consequently did not become a law. It is my purpose, however, on the assembling of the next Congress to submit the matter to the Department in a special report, with a view to having the bill again introduced and, if possible, passed into law.

In his annual report, dated August 28, 1894, D. M. Wisdom, the agent for the Union Agency, Muscogee, Ind. T., has the following to say relative to the manufacture and sale of an intoxicating beverage in the Indian Territory called "Choctaw beer," viz:

The sale of Choctaw beer, a drink compounded of barley, hops, tobacco, fish berries, and a small amount of alcohol, is manufactured without stint in many portions of this agency, especially in the mining communities. Many miners insist that it is essential to their health, owing to the bad water usually found in mining camps, and they aver that they use it rather as a tonic or medicine than as a beverage, and this idea, that it is a proper tonic, is fostered and encouraged by some

physicians. But it is somewhat remarkable as a fact in the scientific world that the water is always bad in the immediate mining centers, but good in the adjacent neighborhoods. But however this fact may be, it is certain that the sale of Choctaw beer is a fruitful source of evil, disorder, and crime.

The Choctaw Nation has legislated against it and done all in its power to suppress the monster, but, like Banquo's ghost, it will not down at its bidding. It is a many-headed monster, and if it be true that it does not come under the ban of the liquor traffic in the Indian Territory because it is not introduced and sold, but only manufactured and sold in the Indian Territory, there ought to be additional Congressional legislation enacted to reach and eradicate it, and punish parties who sell it in the open day and run saloons in violation of law. Choctaw beer is an intoxicant just as much so as lager beer and whisky, and while its unrestrained sale is permitted we may expect in this agency an outcrop of all evils incident to the regular traffic in ardent spirits.

I found, on a recent visit to Coalgate and Lehigh, mining centers where thousands of miners are employed, that Choctaw beer was sold by various parties to miners, and a similar state of affairs at Alderson, Hartshorne, and Krebs. One difficulty in dealing with sellers of Choctaw beer is that it is manufactured and sold by women, who are more troublesome to deal with and punish than a man. As to whether it is prohibited by Choctaw law or not, I invite your attention to Choctaw statutes, page 261, act approved October 18, 1886.

September 13, 1893, a report was made to the Department relative to the report that the United States district attorney had held that the manufacture of the beer within the Indian Territory was not a violation of the statutes prohibiting the introduction of intoxicating beverages into the Indian country, and that the parties making and selling the beer could not be prosecuted by the Federal authorities so long as they did not sell it to Indians, and it was recommended that the Department of Justice be requested to communicate with the district attorney with a view to having him cooperate with the agent of the Union Agency in the suppression of the evil. Of this report to the Department Agent Wisdom was, on the same date, advised.

September 20, 1893, the Attorney-General advised the Department that the district attorney had been instructed to cooperate with the agent in the suppression of the manufacture and sale of Choctaw beer in the Indian Territory, if the same should be found to be intoxicating.

November 6, 1894, Agent Wisdom's attention was again called to office letter of September 13, 1893, and he was directed to report whether the district attorney had been requested by him to bring any suits in the courts to put a stop to the manufacture of this beer, and if so, whether any suits had been brought by him and the result thereof; and if no suits had been brought, whether the district attorney had declined to bring suits and had given any reasons for so declining.

In February last a special report was received from Agent Wisdom, with which he transmitted a letter to him from Clifford L. Jackson, the United States attorney for the Indian Territory, dated February 14, 1895, holding to his original opinion that it is not an offense against the statute to manufacture intoxicating liquors within the Indian country. Mr. Jackson stated that he had submitted this matter to Judge

Stuart, of the United States court in the Indian Territory, and also to the United States attorneys for the western district of Arkansas and the eastern district of Texas, and that they all agreed in the opinion that section 2139 of the Revised Statutes does not make it an offense for any person to manufacture intoxicating liquors within the Indian Territory, and that the term "introduced" does not mean the manufacture of intoxicating liquors within the Indian country, but the actual bringing of intoxicating liquors from without the Indian Territory to within the Indian Territory, and that such seems to be the general legal meaning of the term "introduced" as construed in that section of the country; also that he had within the week just prior to the date of his letter again conferred with Judge Stuart about the matter, and there was no question in his mind but that this office was wrong in its contention that by the term "introduced" the statute prohibits the manufacture as well as the actual bringing of intoxicating liquors within the Indian country.

At the time Agent Wisdom's report was received there was pending in Congress a bill, which subsequently became a law (28 Stats., 693), which contained a provision (ibid., 697) imposing heavy penalties on anyone who shall—

manufacture, sell, give away, or in any manner, or by any means furnish to anyone, either for himself or another, any vinous, malt, or fermented liquors, or any other intoxicating drinks of any kind whatsoever, whether medicated or not, or who shall carry, or in any manner have carried, into said Territory any such liquors or drinks.

After its passage no further action on Agent Wisdom's report was needed except to notify him of the provisions of the new law.

## INDIAN DEPREDATION CLAIMS.

At the date of my last annual report there were 8,005 Indian depredation claims of record in this office, of which number 4,364 claims were on file. Since then 2 new claims have been filed, making the total number 8,007. During the past year 87 claims have been reported to the Court of Claims by this office. In 56 claims the papers on file were transmitted to the court, 4 were reported as having been previously transmitted to Congress, 4 as having been returned to claimants and attorneys, 1 as having been sent to an Indian agent, and miscellaneous information was given pertaining to 22. The number of claims disposed of during the year, 65, deducted from the total number of claims on file, 4,366, leaves 4,301 claims still in this office to be transferred to the court in the manner provided in the act of March 3, 1891, conferring upon the Court of Claims jurisdiction and authority to investigate and finally adjudicate Indian depredation claims.

The act of Congress approved August 23, 1894 (28 Stats., 476), appropriated $175,000 for the payment of certain judgments of the Court of Claims in Indian depredation claims rendered in pursuance of said act of March 3, 1891, and $200,000 additional was appropriated by an act approved March 2, 1895 (28 Stats., 869), for the payment of

these judgments in the same manner as provided in said act of August 23, 1894. The records of this office show that up to August 13, 1895, judgments were paid in accordance with said acts to the amount of $218,916.12.

The objection still exists to the manner in which appropriations are made for the payment of these claims, viz, looking to their ultimate payment from Indian funds. This subject was fully discussed in my last annual report, wherein I said that—

the aforesaid act of Marth 3, 1891, so far as it relates to payment of claims, should either be repealed in toto or be amended so as to place upon the United States the sole responsibility and ultimate liability for the payment of judgments rendered on account of Indian depredations.

Admitting that it may have been entirely just and proper to have indemnified persons for losses at the time the depredations were committed, according to the laws then in force, yet this was done in but few cases. Many of these claims originated at so remote a period that the present generation of Indians can not possibly have any knowledge of the depredations committed, and certainly should not be held personally responsible therefor.

If the Indians were cognizant of the effect of the law as it now stands, I am satisfied that it would be almost useless for the Government to attempt to negotiate with them for the sale of any lands which they now hold, and it could hardly be called less than a breach of good faith for the United States to negotiate with Indians for the sale of their surplus lands, and afterwards, without their knowledge and consent, appropriate the purchase money for the payment of claims against their ancestors.

With possibly one or two exceptions the annuity and trust funds of all Indian tribes are required for their necessary support, education, and future protection, and the payment of these claims, however just they may be, would simply subject the Indians to conditions of such dependence as would in the end necessitate additional appropriations out of the United States Treasury for their support.

## DISTURBANCES IN "JACKSONS HOLE" COUNTRY, WYOMING.

Since my last annual report relative to complaints by whites in regard to Indians off their reservations hunting and "wantonly killing" game, serious trouble has occurred between the Bannock Indians and the whites in what is known as the "Jacksons Hole" country, Wyoming. A full report of this entire affair was made to the Department August 17, 1895, the substance of which is as follows, some of it being quoted from my report of last year:

For more than a year past complaints have been made to this office that Indians of the Shoshone Reservation, Wyo., were wantonly slaughtering elk and deer that had been driven down from the Rocky Mountains by the deep snows and severe weather. The agent of the Shoshone Agency was at once instructed to report the facts to this office, and to take such action as would entirely stop any wanton killing of game by those Indians in the future. He replied that, to his knowledge, no elk or deer had been aimlessly slaughtered by the Indians belonging to that

agency, but that it was reported that roving parties of other Indians had killed game outside of the reservation; also that the Indians reported that white men were continually going on hunting expeditions through the country adjacent to their reservation, and killing game merely for the pleasure of hunting. Reports from other Indian agents in that country sustained this charge, the whites claiming they had as good right as the Indians to kill game; and the State officers, in some instances, stating that they did not feel justified in prosecuting white men for violating State game laws, while the Indians were allowed to hunt.

Subsequently more complaints were received from Idaho, Wyoming, and Montana that parties of Indians were continually leaving their reservations with passes from their agents to make social and friendly visits to other reservations; that en route they slaughtered game in large quantities merely for the sake of killing and for the hides, particularly in the country adjacent to the Yellowstone National Park and the Shoshone Reservation, Wyo., and that if such depredations were allowed to continue it would probably result in a serious conflict between the white settlers and the Indians.

In view of the above complaints, the office, on May 22, 1894, addressed a letter to the Indian agents in Idaho, Montana, Wyoming, Utah, and the Dakotas, instructing them to call together in council the Indians of their respective agencies and again put before them the instructions contained in office circular of November 1, 1889, and to notify them that the restrictions as to hunting contained in that circular must be strictly complied with; also that should they obtain passes ostensibly for making friendly visits to other reservations and then engage in hunting while en route, their passes would be recalled by this office and they would not be allowed to leave their reservation again.

The circular referred to reads as follows:

The UNITED STATES INDIAN AGENTS:

Frequent complaints have been made to this Department that Indians are in the habit of leaving their reservations for the purpose of hunting; that they slaughter game in large quantities in violation of the laws of the State or Territory in which they reside, and that in many instances large numbers of wild animals are killed simply for their hides.

In some cases Indians, by treaty stipulations, have the guaranteed right to hunt, upon specified conditions, outside their existing reservations. The Secretary of the Interior has decided that the privilege of hunting under such treaty provisions is the right to merely kill such game as may be necessary to supply the needs of the Indians, and that the slaughter of wild animals in vast numbers for the hides only and the abandonment of the carcasses without attempting to make use of them, is as much a violation of the treaty as an absolute prohibition on the part of the United States against the exercise of such privilege would be. This fact should be impressed upon the minds of the Indians who have such treaty rights, and they will be given to understand that the wanton destruction of game will not be permitted. And those not having the reserved treaty privileges of hunting outside of their existing reservation should be warned against leaving their reservation for hunting, as they are liable to arrest and prosecution for violation of the laws of the State or Territory in which offenses may be committed.

In view of the settlement of the country and the consequent disappearance of the game, the time has long since gone by when the Indians can live by the chase. They should abandon their idle and nomadic ways and endeavor to cultivate habits of industry, and adopt civilized pursuits to secure the means for self-support.

All the agents addressed reported that they had complied with office instructions, and had taken extra precautions to prevent the Indians under their charge from wantonly killing game or leaving their reservations for such a purpose.

Captain Ray, U. S. A., acting agent of the Shoshone Agency, in his report of May 29, 1894, relative to the above instructions, stated as follows:

I find that article 4 of the treaty with the Eastern Band of the Shoshone Indians, made July 3, 1868, gives the Indians the right to hunt on all the unoccupied lands of the United States, and they have certainly availed themselves of the privilege, but not a single case of wanton destruction of wild animals has ever come to my knowledge, nor will I ever permit such practice.

In connection with this matter I wish to call attention to the fact that the present ration for Indians on this reservation (one-half pound of flour and three-fourths pound beef, net) is not sufficient to ward off the pangs of hunger, and they must supplement this allowance in some way or suffer. In absence of paid employment, which will enable them to purchase food, they will resort to desperate methods before they will go hungry. Unless they receive sufficient food on the reservation, no power can prevent them from killing game or cattle.

Complaints, however, continued to be made by the governor of Wyoming, the prosecuting attorney of Fremont County, and many others from the region south of the Yellowstone National Park. These complaints were referred to the respective Indian agents for their information and with instructions to be especially careful to prevent any wanton destruction of game by Indians in their charge. From some of their reports it is clear that the Indians had not been justly complained of, and that in many instances the charges against them were either altogether false or grossly exaggerated, sometimes willfully so. For instance, Captain Ray, U. S. A., the then acting Indian agent of the Shoshone Agency, reported that hordes of white hunters infested the country (Yellowstone Park region) entirely unmolested.

A full report as to these complaints was made in letter of November 8, 1894, of which the concluding paragraphs were as follows:

It is my intention to write again to the agents of the Fort Hall (Idaho) and Wind River (Wyoming) agencies, directing them to be watchful to the end that their Indians give no cause for complaint in this matter; but I think it would be well if some attention were paid to the foreign and native tourists and others, who go into that country to hunt without let or hindrance.

It is a well-known and admitted fact that the extermination of the buffalo and other large game in the West was the work of the whites, principally, and not the Indians, and even now the well-supplied curio shops and taxidermists obtain their supply of heads, antlers, horns, etc., entirely from the former, or very nearly so, at least.

No further complaints were received until in the latter part of June last, when Governor Richards, of Wyoming, addressed a letter to the

Department stating that he was informed that Indians were then hunting and killing large game in the northern part of Uinta County and the western part of Fremont County, Wyo.; that most of these Indians were from Idaho, some, however, being from the Shoshone Reservation, Wyo. He inclosed a copy of the State of Wyoming Fish and Game Laws, 1895, and requested that action be taken which would restrict Indians from leaving their respective reservations for the purpose of hunting in Wyoming.

July 17, 1895, Governor Richards telegraphed the Department as follows:

Have just received the following telegram, dated Marysvale, Wyo., July 15, via Market Lake, Idaho, July 16:

"Nine Indians arrested, one killed, others escaped. Many Indians reported here; threaten lives and property. Settlers are moving families away. Want protection immediately. Action on your part is absolutely necessary.

"FRANK H. RHODES,
*"Justice of the Peace.*
"WM. MANNING, *Constable.*"
(And three others.)

I have received other advices by mail representing situation as serious. The Indians are Bannocks from Fort Hall, Idaho. Arrested for the illegal and wanton killing of game. My letter to you dated June 17 relates to the matter. Can you take immediate action for the protection of our settlers?

This office, on July 17, 1895, therefore telegraphed Teter, Indian agent at Fort Hall, Idaho, as follows:

Governor Richards, of Wyoming, telegraphs this date that nine Bannock Indians belonging to Fort Hall Agency were arrested and one killed on or about 15th instant, at Marysvale, Uinta County, Wyo., for wantonly killing game; that many other Indians are there threatening lives and property, and settlers are moving families away. Proceed at once to scene of trouble and do all in your power to prevent further disturbance and to return absent Indians to reservation. If troops are needed to protect settlers or prevent open conflict, advise immediately. If you have any information now telegraph same to me before starting.

The same date the following telegram was sent to the acting Indian agent, Shoshone Agency:

Serious trouble reported in neighborhood of Marysvale, Uinta County, Wyo. Nine Bannock Indians from Fort Hall Agency arrested and one killed for violation of game laws. Settlers said to be fleeing for their lives. If any of your Indians are absent in that region have them returned to reservation at once. Have ordered Fort Hall agent to scene of trouble. Cooperate with him to fullest extent of your ability in every possible way.

The agent of Fort Hall Agency replied by telegraph the next day as follows:

Will state on 13th instant, upon receipt information Indians were killing game unlawfully in Wyoming, I sent the entire police force to Wyoming to bring back Indians belonging to this reservation. Captain Indian police sent back policeman, who arrived this day, stating that one Indian killed by settlers. Other sources, several Indians killed. I leave for scene of trouble at once.

The same day the Shoshone agent also telegraphed:

Police sent days ago to bring absent Indians back to reservation. Only one Indian reported absent now. Reports indicate that none of my Indians were concerned in Marysvale trouble. Will act for Fort Hall agent whenever possible.

Then followed the sensational and alarming newspaper reports of an Indian outbreak in the Jacksons Hole country; the Bannocks on the warpath; the killing of many settlers by the savages; homes burned to the ground; whites fleeing for their lives; and the appeal to the Government that United States troops be hurried to the seat of war to stop the fiendish work of devastation and murder of whites by the redskins.

July 23 the Fort Hall agent telegraphed this office as follows:

Have investigated trouble between Indians and settlers in Wyoming, and will advise troops be sent there immediately to protect law-abiding settlers; lawless element among settlers being determined to come into conflict with Indians. Settlers have killed from four to seven Indians, which has incensed Indians, who have gathered to number of 200 to 300 near Fall River in Uinta County and refuse to return to reservation. I find Bannock Indians have killed game unlawfully according to laws of Wyoming, though not unlawfully according to treaty of Bannock Indians with United States, usurping prerogative of settlers in that respect, which caused the trouble, and nothing but intervention of soldiers will settle difficulty and save lives of innocent persons and prevent destruction of property.

This office replied as follows:

Send word to absent Indians as coming direct from me that I want them to return peaceably to their reservation before the soldiers arrive. Say that I send this message to them as their friend and urge prompt compliance, knowing it is for their best interest and welfare.

Agent Teter carried out the above instructions, and July 28 telegraphed the following:

On 27th instant I met Sheriff Hawley near Rexburg, returning from Jacksons Hole, where he had been sent to ascertain if settlers have been killed by Indians. Hawley states settlers have not been molested by Indians. Indians are supposed to be in camp 40 miles from settlements in practically impregnable position.

The Secretary of War on July 24, 1895, upon Department request for military aid, ordered Brigadier-General Coppinger, commanding Department of the Platte, to proceed at once to the scene of disturbance in Wyoming and to order such movement of troops as might be necessary to prevent a conflict between the Indians and settlers and to remove the Indians to their proper reservations.

Governor Richards, on July 31, telegraphed the following:

Reliable information that 200 Indians supposed to be Utes were seen yesterday near South Pass, Fremont County; also 47 Sioux on Bad Water Creek, same county; all were mounted, armed, and without women or children. The people of Fremont County are under arms and wire me for assistance. Can not these and all other Indians in Wyoming be recalled to their reservations?

This office at once telegraphed the agents of Pine Ridge (S. Dak.), Shoshone (Wyoming), Lemhi (Idaho), and Uintah and Ouray (Utah)

agencies to have absent Indians returned to their respective reservations. The Shoshone and Uintah and Ouray agents replied that none of their Indians were absent, and that no trouble was feared.

August 2, 1895, Agent Teter reported by telegram as follows:

I have returned from Jacksons Hole. Everything quiet there. I will recommend that you request the Department of Justice to investigate killing of peaceable Indians by lawless settlers in Uinta County, Wyo., with a view to the prosecution of the guilty parties.

On the following day he further telegraphed:

All Indians absent from reservation have returned. Had big council. Requested me to telegraph you their hearts felt good. Had not harmed a white man, and would start haying, leaving their grievances to the justice of the white man.

To the latter message this office replied August 7 as follows:

Your telegram August 3 received. Exceedingly gratifying to me and to all friends of the Indians everywhere that they have returned peaceably to their reservation and gone to work, having committed no acts of violence against the persons or property of the whites, which will certainly be to their lasting credit. Tell them so, and that office will do all in its power to have faithful investigation of the killing of the Indians and to see that justice is done. Am looking for full report from you giving details of the whole affair.

I now quote in full the official reports that have reached this office giving details of the trouble, as follows:

Report, dated July 20, 1895, from Capt. R. H. Wilson, U. S. A., acting Indian agent, Shoshone Agency, Wyo.:

In regard to the recent disturbances near Marysvale, Wyo., resulting from Indians killing game out of season, I have the honor to report that the Indian police sent to that point to bring back absentees have returned without having been able to effect anything of importance. They report that two of my Indians have been found guilty of the offense in question, fined $75 each and costs, and in default of payment of their fines have been taken to Evanston to serve out sentences, of what duration I am not informed.

Their horses and equipments were seized to satisfy costs. No other Indians are now absent from this reservation without authority, and I do not anticipate any further trouble in this respect. The scene of the disturbance is so remote and inaccessible that it is difficult to obtain reliable reports in regard to it, but I am inclined to believe that the whole matter has been greatly exaggerated. I have been trying to instruct my Indians in the provisions of the game laws, of which they have been entirely ignorant. They have hitherto considered that the provisions of their treaty give them the right to hunt on unoccupied lands whenever they please. I shall, however, in future try to make them comply with the law in regard to killing game in Wyoming, without regard to their treaty, as I consider that this course will be less likely to cause a recurrence of similar trouble.

Report, dated July 20, 1895, addressed to Adjutant-General, U. S. A., from Capt. J. T. Van Orsdale, U. S. A., late acting Indian agent, Fort Hall Agency, Idaho:

I have the honor to make the following report bearing upon the account (newspaper) of the arrest and killing of Indians in Jacksons Hole country, Wyoming, by citizens of said State:

In the treaty made with the Bannocks and Shoshones at Fort Bridger in 1867 or 1868 they were granted the privilege of hunting on any unoccupied public land. Being short-rationed and far from self-supporting according to the white man's methods, they simply follow their custom and hunt for the purpose of obtaining sustenance. It would seem that the killing of Indians under the circumstances is nothing more or less than murder. They are not citizens of the State, and are entitled to the protection of the General Government so far as the rights and privileges granted by treaty are concerned.

While acting agent at Fort Hall Agency, Idaho, I had occasion to look into this matter, and while trying to prevent hunting by Indians during the season unauthorized by State law I took the opportunity to let those making complaints know that the Indians were within treaty rights, and I believe the fact is well known and understood. Further, I believe there is no "wanton" slaughter of game by these Indians, while it is a notorious fact that hundreds of animals are killed by white men for nothing more than heads and horns. There are men in that country who make it a business to pilot hunting parties from the East and the Old Country which not only slaughter elk but capture and ship them out of the country. The killing of game by Indians interferes with their business. Another fact about the Jacksons Hole Basin, it is inaccessible in winter on account of deep snow on the mountains, and game can only be got at by outsiders during the summer or early autumn. If it be the desire of the Government to restrain the Indians and cause them to conform to State laws, steps looking to the change or modification of treaty would seem to be in order. Indians can hardly be expected to submit more quietly to the killing of their people while engaged in the occupation which they think they have a right to follow than white men, and a failure by the Government to take proper action is liable to result in serious loss of life and property.

Having obtained knowledge of affairs in the manner indicated, I believe it a duty to make this report.

[First indorsement.]

OFFICE OF THE POST COMMANDER,
*Fort Logan, Colo., July 23, 1895.*

Respectfully forwarded.

I have known the Shoshone Indians since 1873, when I was at their agency, and had twenty-five of them for scouts on a trip I made from Camp Brown through the Yellowstone Park. I heartily concur in what Captain Van Orsdale has written. They are among the best of all Indians I have known.

HENRY E. NOYES,
*Lieutenant-Colonel Second Cavalry, Commanding Post.*

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
*Denver, Colo., July 25, 1895.*

Respectfully forwarded to the Adjutant-General of the Army.

The writer has had exceptional opportunity to familiarize himself with the Bannock and Shoshone Indians.

From my knowledge of these Indians in 1872, and again in 1879, I feel an interest in this matter, and hope that Captain Van Orsdale's recommendations and views may be favorably considered.

FRANK WHEATON,
*Brigadier-General, Commanding.*

Report, dated July 24, 1895, from Thomas B. Teter, United States Indian agent of Fort Hall Agency, Idaho:

I have the honor to inform you that upon receipt of telegraphic instructions of the 17th instant I immediately proceeded to Marysvale, Uinta County, Wyo., and report as follows upon the condition of affairs I found existing between settlers and Indians from this and other reservations hunting in that vicinity:

I ascertained the number of Indians in the vicinity of Marysvale to be from 200 to 300, about 50 of whom were Bannock Indians from this reservation, all encamped in Hobacks Canyon, or near Fall River, at a distance of 35 miles southeast from Marysvale, in the Jackson Hole country.

The Indians have for many years gone to the Jackson Hole country in search of big game, and it is only since the business of guiding tourists in search of big game has become so remunerative that objection has been made to their hunting in Wyoming.

The treaty of the Bannock and Shoshone Indians with the United States gives said Indians the right to hunt on the unoccupied lands of the United States so long as game may be found thereon and so long as peace subsists among the whites and Indians on the borders of the hunting districts, and the simple Indian mind can not grasp the idea that the State of Wyoming can prevent the fulfillment by the United States of the treaty with them.

I ascertained that settlers last year stated that if Indians returned for big game this season they would organize and wipe them out, the settlers looking upon big game as their exclusive property and considering every elk killed by an Indian a source of so much revenue lost to them. From reliable informants I have no hesitation in stating that for every elk killed unlawfully by Indians two are killed unlawfully by settlers (in this connection I will state I was fed upon fresh-killed elk meat during my entire stay in the Jackson Hole country), and were these Indians citizens and voters in Wyoming enjoying similar privileges to settlers, their killing game unlawfully would never be questioned.

There are a few good citizens ranching in the Jackson Hole country, the majority of the citizens being men "who have left their country for their country's good," the Jackson Hole country being recognized in this country as the place of refuge for outlaws of every description from Wyoming, Idaho, and adjacent States.

The Indians killed by these settlers were practically massacred. The Indians, to the number of 16, having been arrested and disarmed, were taken before a justice of the peace, naturally in sympathy with settlers, and fined $75 each. The Indians being unable to pay the fine were herded like sheep and treated in a manner calculated to arouse their resentment, and which would not be tolerated by white men similarly situated. One batch, disarmed, were being driven by a body of armed settlers, and in passing over a trail where the Indians had been accustomed to ride in freedom, made a break for liberty, whereupon the guards opened fire at once and killed from four to seven Indians, going on the principle "a dead Indian is a good Indian."

The men who committed this crime should be prosecuted to the fullest extent of the law and receive the severest penalty the law can give, not only as an example to other lawless settlers, but as a preventive of future disturbances between settlers and Indians, for if justice is not done the Indians in this case the Indians will seek revenge and a continuous border warfare will be the result.

A certain element among settlers in Jackson Hole country seems determined to drive the Indians from that section at whatever cost, not recognizing any law themselves but that which serves their interests; and when I left Marysvale 75 of these men had organized, not for protection, but to attack the Indians. I warned them to desist, and requested all good citizens to use their influence to prevent this attack, stating I would advise the Department immediately of the true situation.

I, upon reaching telegraphic communication, advised you to send troops to scene of trouble at once, considering if lawless settlers carried out their intention of attacking Indians innocent persons would suffer—Indians as well as whites—and much property be destroyed; considering also that the ill feeling existing between settlers and Indians could not be allayed without the presence of troops.

I consider the Jackson Hole affair a preconcerted scheme, on the part of a certain element among the settlers, to adopt measures to induce the Department to prevent Indians from revisiting Jackson Hole country; settlers having informed me, while I

was in Marysvale, that Indians visiting Jackson Hole country kept out hunting parties of tourists, which resulted in a loss to them of many dollars; a settler stating to me he had made $800 last season guiding hunting parties, and that the continual hunting by Indians in Jackson Hole country would ruin his occupation.

## Report, dated August 7, 1895, from Agent Teter:

I have the honor to respectfully submit the Indian version of the killing of Indians by settlers in Uinta County, Wyo., on or about the 15th ultimo, and other matter in connection with the affair.

A hunting party of nine Indians, with their families and camp equipage, encamped on the banks of a stream in Uinta County, Wyo., were surrounded by an armed body of settlers, numbering twenty-seven, who demanded of the Indians their arms. The Indians, upon surrendering their arms, were separated into two parties; the males, under a guard, were placed in the advance, while their families, pack animals, etc., also guarded, were placed in the rear about 50 yards.

The Indians, roughly treated, were driven throughout the day they knew not where, and as evening closed in the party approached a dense wood, upon which the leader of the settlers spoke to his men, and they examined their arms, loading all empty chambers. The Indian women and children, observing this action, commenced wailing, thinking the Indian men were to be killed, which idea prevailed among the Indian men, who passed the word one to another to run when the woods were reached.

Upon reaching the woods the Indians, concluding their last hour had come, made a break for liberty; whereupon the settlers without warning opened fire, the Indians seeing two of their number drop from their horses. During the mêlée the Indian women and children scattered in every direction, abandoning their pack animals.

The following morning the Indians, having gathered together, found they were minus two men and two papooses, and revisiting the scene of the shooting, could not find their people or their belongings, upon which they returned to the reservation, very fortunately meeting with other Indians who provided them with food.

One of the two men supposed to have been killed was recently discovered by scouts. He had been shot through the body from the back, the ball lodging in his left forearm, and he had crawled to a point several miles distant from the place of the shooting, subsisting for seventeen days upon the food which he had in his wallet at the time he was shot.

The body of the dead Indian was discovered in the woods near the place of the shooting, and, upon my recent visit to Jacksons Hole, Indian scouts were sent to bury the body. The Indians state of the man killed, an old man, that his horse's bridle was seized by a settler whilst another settler shot him down.

Of the two papooses lost one was found alive and taken to Fort Washakie by some Mormons; the other papoose, being only six months old, has undoubtedly perished.

A man named Smith reports having killed two Indians in Jacksons Hole. The truth of this report I was not able to ascertain, the settlers evincing an intensely bitter feeling toward me, threats of hanging me, etc., being made, and refusing to give me the desired information.

General Coppinger stated he would thoroughly investigate the Smith affair before he left Jacksons Hole, for me.

I have the names of the twenty-seven settlers who were engaged in the killing of the 15th instant, and I will respectfully recommend that this affair be investigated by the Department of Justice with a view to the prosecution of the guilty parties.

I have recently given much thought tending to a permanent solution of this vexed Indian question, and can reach no definite conclusion which would not require Congressional action.

The governor of Wyoming assuring settlers that they would be backed by him in their efforts to drive the Indians out and in keeping the Indians out of Wyoming, in my opinion, renders some decisive action imperatively necessary before the troops leave Jacksons Hole. The Indians, considering their treaty rights give to them the privilege of hunting in certain sections of Wyoming, will go hunting after harvest with or without my consent.

No report has yet been received from the authorities of the State of Wyoming as to this matter, but for the purposes of history I deem it proper to quote at length an article in New York Evening Post of August 2, which purports to give a true account of the killing, as follows:

It turns out as we had anticipated. At all events a war correspondent of the World, who has penetrated to the seat of hostilities, so reports. He has interviewed a number of people at Jacksons Hole, including the man who did the shooting or ordered it to be done. From these sources of information it is learned that on the 7th of June a report came in that certain Bannocks were shooting elk in violation of the game laws of Wyoming. A warrant was issued for their arrest and placed in the hands of Constable William Manning, who selected twelve deputies and started out to find the trespassers. They found one Indian, named George, with several green hides in his possession. He was brought in, put on trial, convicted, and fined $15. The fine was paid, and the hides were confiscated.

On the 24th of June news came of further hunting by Indians. Another expedition was fitted out for their arrest, but they were found to be in such large numbers that it was deemed imprudent to attempt to bring them in. The constable and his men, however, moved freely among them and ordered them to desist, but according to the report which they brought back the trespassers were saucy and said they would hunt as much as they pleased.

Another attempt to arrest them was made on the 10th of July, when Manning started out with twenty-five deputies. They surprised an Indian camp at Fall River basin and arrested the male members, ten in number. All the parties, constables and Indians, and also the squaws, were mounted. The Indians were disarmed and placed in such a way that each one was preceded and followed by an armed white man, while armed white men rode alongside at certain intervals. Manning says that he had reason to think that the prisoners would try to escape, and that he gave orders if they did so to shoot their horses. Being asked if he gave orders to shoot the horses but not the Indians, he said "No; I said nothing about the Indians themselves; I simply said to shoot the horses first. The men understood that they had a right to shoot the Indians if there was no other means of preventing an escape." Then the following colloquy took place, which puts the matter in a perfectly clear light:

"Do I understand that these Indians were arrested, charged with an offense the maximum penalty for which is a fine of $10 and three months' imprisonment; that the men had not been tried, and that you consider that, in the event of their attempting to escape from your custody, you had the right to kill them?"

"I would consider that my right, particularly with Indians, they being savages and likely to do harm themselves and to resist with arms. I believe I would have the right, considering this, to order the men to shoot them."

"But I understand you to say you had satisfied yourself that they had no arms upon them?"

"That is correct as near as we could determine as to their having arms."

The sequel is already known. An attempt was made to escape. The Indians were shot, some killed, some wounded, but no horse was hurt; that would have been a wanton waste of property.

This is the white man's side of the case. The Indians have not been heard yet, except that one of them who was wounded tried to conceal the fact lest he should

be put to death also. If the facts are correctly reported this was a case of massacre with premeditation. We trust that all the means at the disposal of the Indian Rights Association as well as the means at the disposal of the Government will be employed to bring the assassins to justice. As to the "Bannock war," there is no such thing. The Bannocks are only a handful, and they have lived at peace with the whites for seventeen years. The survivors of them are only anxious to save their own lives, and well they may be, considering how the white man's law is executed in Wyoming.

From unofficial sources it is known that the Indians returned to their reservation before the United States troops reached the "scene of devastation."

As the truth became known, there came a rapid change of public sentiment in favor of the Indians, who were found to be the wronged parties, and against the lawless whites who had done all the killing that occurred at Jacksons Hole. Instead of the Bannocks declaring war, massacring whites, burning homes, with settlers fleeing for their lives, etc., they have, in the opinion of this office, been made the victims of a planned Indian outbreak by the lawless whites infesting the Jacksons Hole country with the idea of causing their extermination or their removal from that neighborhood. The Bannocks while peaceably hunting in that country were arrested by whites, who disarmed them and killed or shot several while they were trying to escape. Much to the credit of the incensed Indians, they returned peaceably to their reservation without retaliating in any manner upon the whites. Not a white person was harmed, nor did they indulge in any act of violence toward the settlers.

The newspapers throughout the country and many prominent and philanthropic persons have denounced this killing of Indians by the whites in Jacksons Hole as an outrage and murder which should not be allowed to go unpunished, and they have urged that a searching official investigation be made by the Government of this entire affair, to the end that the guilty whites may be brought to justice.

The Bannocks themselves have repeatedly been promised that their wrongs should be thoroughly investigated and justice done them by the Government, and doubtless these assurances have had much to do in keeping them quiet thus far. There are, however, some of them that are eager for revenge upon the whites for the killing of their people, as is shown by the following telegram of August 14 from Agent Teter:

Certain Indians state they will go to Jacksons Hole for purpose of hunting as soon as haying season is over, claiming they will starve during the coming winter if they do not kill game at this season for winter subsistence, and that they have a right to hunt in Jacksons Hole. In my opinion it is absolutely necessary to keep the Indians on the reservation even if they are justified in going to Jacksons Hole, as they seem determined to have revenge upon settlers. Will go prepared for that purpose, and are discussing plans to that end.

The best solution of this affair I can present is to enter into the contract for the big ditch on the reservation as soon as possible, which will give the Indians employment and an opportunity to earn money with which to provide for themselves through the winter. The Indians must be given employment or increased rations, as

they can not subsist without food obtained from hunting until water is put on the reservation, when they will be practically self-supporting.

Will request you to wire me what I can state to the Indians relative to increased rations or employment should they remain on the reservation.

In reply this office telegraphed the agent, August 16, the following:

Tell the Indians I do not want them to go off the reservation hunting this summer or fall, but want them to remain at home and continue their work, and if they will do this, I will increase their rations when needed and called for by you to keep them through the winter.

I also want to have work on Idaho Canal begun before long so that Indians can get employment and be paid for it. The friends of the Indians all over the country are watching the conduct of the Indians with deep interest and are anxious that they comply with my wishes and plans, knowing that I will do what is best for them. If they break away from me and do not permit me to manage for them, they will lose their friends and the mistake will be disastrous to them.

In reply to the above telegram the agent reported, August 20, as follows:

In reply to your telegram of the 16th instant relative to increasing the Indians' rations and giving them employment, I have the honor to respectfully recommend that the Indians of this agency be given increased rations at once and employment as soon as possible.

The Indians at present receive the following rations weekly: 2,880 pounds flour; 4,800 pounds beef, gross, or 2,300 pounds beef, net; 150 pounds sugar; 75 pounds coffee.

According to the census taken for the fiscal year ending June 30, 1895, the Indians on this reservation number 1,440, and I will respectfully recommend the above table of rations be increased as follows, on the basis of weekly issues: 5,040 pounds flour, or 3½ pounds per individual; 14,400 pounds beef, gross, or about 5 pounds net, per individual; 480 pounds sugar, or one-third pound per individual; 240 pounds coffee, or one-sixth pound per individual.

Should the recommended increase in rations meet with your approval, I will respectfully request you to telegraph me authority to issue same.

This office, in reply to the agent's request, sent him the following telegram, August 31:

Issue rations as requested in your letter of 20th. Report how long increase is to continue, how long present supply will last at increased rate. Estimate for what additional supply will be needed.

The agent, as requested, made the desired estimate for the additional supply of rations on September 3, and was advised by this office September 12, 1895, as follows:

You are advised that the superintendent of the New York Indian warehouse has this day been directed to order, under existing contracts, the following articles (called for in your estimate of 3rd instant), and to ship them to your agency (for issue to Indians during current fiscal year) at the earliest practical date, viz: 13,000 pounds sugar; 6,500 pounds coffee; 540 pounds baking powder, in one-quarter pound tins.

The Honorable Secretary of the Interior has also been requested to authorize you to publish an advertisement inviting proposals for furnishing and delivering the gross beef and flour called for in said estimate, and when said authority shall have been granted you, you will be duly notified.

The gross beef and flour contracts will be increased 25 per cent, as requested, and you will be informed when contractors are notified.

The authority above referred to was granted in Department letter of September 14, and the agent duly notified of the same September 17.

To briefly summarize the facts in the case so far as is shown by the official reports that have reached this office: The Bannock and Shoshone Indians have been in the habit for many years past of going to the Jackson Hole country to hunt game for subsistence. They have been guaranteed by treaty with the United States the right to hunt upon the unoccupied lands of the United States so long as game may be found thereon and so long as peace subsists among the whites and Indians on the borders of the hunting districts. The settlers of the country bordering this game region have looked upon the said hunting grounds as their own exclusive property, and for the past two years have been steadily complaining through official and unofficial sources to this office to the end that the Indians might be kept out. The Indians, through their respective agents, have been repeatedly warned against the wanton killing of game. Further, the settlers have claimed that the Indians hunted and killed game in violation of the game laws of the State of Wyoming; and it would appear that they had at last organized a scheme to drive the Indians from these hunting grounds regardless of consequences.

The first serious affair occurred on or about July 15, 1895, when a hunting party of nine Bannocks with their families, encamped on the banks of a stream in Uinta County, Wyo., were surrounded by an armed body of settlers, numbering twenty-seven, who disarmed all of the Indians and "drove" them all day in single file closely guarded. In the evening the Indians, who had been roughly treated during the day, became frightened, and supposing they were all to be shot, made a dash for their liberty. The settlers without any warning fired upon them, killing one outright and badly wounding another. Two papooses were lost, one of which was afterwards found alive, the other no doubt having perished, or been killed.

The Shoshone and Bannock Indians have the right under their treaty[1] of July 3, 1868 (15 Stats., 673), to hunt on unoccupied lands

[1] The language used in treaties with the Indians should never be construed to their prejudice. * * * How the words of the treaty were understood by these unlettered people rather than their critical meaning should form the rule of construction. (Worcester v. Georgia, 6 Peters, 515.)

A treaty is the supreme law of the land, binding upon the courts as much as an act of Congress. (United Statee v. Peggy, 5 U. S., 103; Strother v. Lucas, 12 Peters, 410.)

In this respect a treaty with an Indian tribe, or with two or more Indian tribes, stands with treaties with foreign countries. A treaty with an Indian tribe is the supreme law of the land. Courts can not annul its effect or operation. (Fellows v. Blacksmith, 19 How., 366.)

Every treaty made by the authority of the United States is superior to the constitution and laws of any individual State. If a law of a State is contrary to a treaty it is void. (Ware v. Hylton, 3 Dall., 199; Hauenstein v. Lynham, 100 U. S., 483.)

of the United States, the fourth article of which treaty provides as follows:

The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

The Shoshone and Bannock Indians knew nothing about what is known now in the game laws of the various States as a "close season," during which hunting is prohibited by law. Their treaty must be construed therefore as to mean that these Indians should have the right to hunt on unoccupied lands of the United States where game may be found and at any and all times of the year. The laws of the State of Wyoming which prohibit hunting within that State for certain kinds of game during certain months must be construed in the light of the treaty granting rights to these Indians to hunt on the unoccupied lands within the State, so far as they apply to the Shoshone and Bannock Indians. It is not competent for the State to pass any law which would modify, limit, or in any way abridge the right of the Indians to hunt as guaranteed by the treaty. The fact, as shown in the official correspondence above quoted, that the Bannock Indians, against whom complaint was made and against whom the people of Jacksons Hole country have been so threatening in their demonstrations, were encamped 35 or 40 miles from any settlement in a wild and almost impenetrable country would indicate that this section of country was unoccupied lands of the United States, and that the Indians therefore had a perfect right, and violated no law, in being there to hunt game for subsistence.

It is shown by the official reports from Agent Teter and army officers that the Bannock Indians were not engaged in a wanton killing of game, but that they were in that section of country for the purpose of hunting for subsistence and to prepare against the approaching winter. This they had a perfect right to do, and the action of the authorities of Wyoming in arresting some of them under provisions of the laws of that State and imposing fines under said laws was unlawful, as was held by the Supreme Court in Hauenstein *v.* Lynham: "If the law of a State is contrary to a treaty it is void." Therefore for the purpose to which the laws of Wyoming were applied by the authorities of that State, viz, to prohibit the Bannock Indians from hunting on unoccupied lands of the United States therein and to punish them therefor, the game laws of the State of Wyoming are absolutely null and void, and the authorities of the State took this action on their own responsibility and were trespassers on the rights of the Indians to that extent. (See Poindexter *v.* Greenhow, Virginia coupon cases, 114 U. S., 270.) The fines imposed upon them, the confiscation of their property, and the imprisonment of some are all illegal, for which the United States would seem to be responsible to the Indians under

article 1 of the said treaty of 1868, which provides, among other things, as follows:

> If bad men among the whites, or any other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offenders to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If, as seems to me to be the case under the decisions of the Supreme Court, the laws of the State of Wyoming under which these arrests were made, and fines, confiscations, and imprisonments imposed, are void for the purpose, the acts of the authorities of Wyoming in this regard are to be construed in the same light as if they had been the acts of persons not holding any official relation to the government of the State, and as wrongs committed upon the person and property of the Indians by the people subject to the jurisdiction of the United States, and therefore this Government might be held responsible under the treaty.

It appears from reports that the Indians not only suffered arrests, fines, loss of their property, and imprisonment, but that one at least of them lost his life at the hands of these white people, alleged officers of the State of Wyoming; another was wounded and one child was lost, probably perished in the forests. The killing of this Indian can not be held to be anything less than murder, for it appears from the most reliable accounts received in this office that the so-called deputy sheriffs had, in anticipation of an attempt to escape, agreed between them to shoot their prisoners, although they had been arrested and charged with simply a misdemeanor punishable by a small fine under the laws of the State. The Indians say that when they made their break for liberty they were led to believe by the action of their captors that they were preparing to kill them, and it seems from the newspaper clipping above quoted from the New York Evening Post, that the apprehensions of the Indians were not without some ground, for the officer in charge of the deputies stated that he considered that he had a right to kill an Indian who had been arrested for an offense the maximum penalty for which is a fine of $10 and three months' imprisonment if such Indian attempted to escape, even though he had not been tried.

Recommendation was made in my report of August 17, 1895, that the entire matter be referred to the Department of Justice with the request that a thorough and exhaustive investigation be made into the affair with the view to taking such action as might be deemed expedient and lawful for the punishment of the parties guilty of wronging the Indians.

The case was submitted to the Attorney-General of the United States, who stated, August 23 last, that he had telegraphed the United States attorney for Wyoming, directing him to apply for writs of habeas corpus in case any Indians were confined at Evanston by the State authorities; and that he was not aware of any law under which

the Department of Justice could assist in obtaining redress for the Indians who had paid their fines, "or in punishing, civilly or criminally, the persons who have done them injury, even the murderers."

August 30, 1895, the Acting Attorney-General stated that he was informed by the United States attorney for the district of Wyoming August 23, 1895, that he had been unable to learn that any Indians were then under confinement for alleged violation of Wyoming game laws, and that the Bannock Indians who had been imprisoned had been allowed to escape by the authorities at Marysvale. In regard to a report concerning the outrages on the Indians made to him by one of the Government employees in Wyoming, whom he regarded as capable, observant, and trustworthy, the district attorney said:

From the statements made by him, and from other sources of information, I have no doubt whatever that the killing of the Indian Ta ne ga on, on or about the 13th of July, was an atrocious, outrageous, and cold-blooded murder, and that it was a murder perpetrated on the part of the constable, Manning, and his deputies in pursuance of a scheme and conspiracy on their part to prevent the Indians from exercising a right and privilege which is, in my opinion, very clearly guaranteed to them by the treaty before mentioned.

The Acting Attorney-General, in closing, said: "There is, however, unfortunately no statute of the United States under which this Department can afford any assistance." He inclosed a copy of the report in the case forwarded by the United States district attorney, which reads as follows:

A careful investigation of the whole affair will, I am certain, result in showing the correctness of the following statements, which are made after personally interviewing a number of the leading participants in the trouble, both among the Indians and the Jacksons Hole settlers, and by noting the exact condition of affairs in the region relative to the habits of the Indians, the settlers, etc.

First. I desire to state that the reports made by settlers charging the Indians with wholesale slaughter of game for wantonness or for the purpose of securing the hides of the animals killed have been very much exaggerated. During my stay in Jacksons Hole I visited many portions of the district and saw no evidences of such slaughter. Lieutenants Gardner, Parker, and Jackson, of the Ninth United States Cavalry, who conducted scouting parties of troops through all portions of Jacksons Hole, also found this to be the case. No carcasses or remains of elk were found in quantities to justify such charges. On August 12 I visited a camp of Bannock Indians who had been on a hunting trip in Jacksons Hole until ordered by the troops to return to their reservation. I found the Indian women of the party preparing the meat of seven or eight elk for winter use, drying and "jerking" it. Every particle of flesh had been taken from the bones, even the tough portions of the neck being preserved. The sinews and entrails were saved, the former for making threads for making gloves and clothing, and the latter for casings. The hides were being prepared for tanning; the brains had been eaten; some of the bones had been broken and the marrow taken out and others were being kept to make whip handles and pack-saddle crosstrees. In fact every part of the animal was being utilized either for future food supply or possible source of profit.

Second. In connection with the troubles between the Indians and the whites, I spent some time inquiring into the causes for the unconcealed hostility of the Jacksons Hole people against the Indians. I found little or no complaint among the settlers of offensive manners on the part of the Indians. Except in rare instances

they have kept away from the houses of the settlers and have not been in the habit of begging. In no instance has there ever been a well-authenticated case where a settler has been molested by an Indian.

About twenty-five of the Jacksons Hole settlers are professional guides for tourists and hunting parties visiting the region from other States and from abroad. The business is very profitable, guides sometimes making sufficient money in the short hunting season to keep them through the remainder of the year. These guides, while most of them have small ranches, make stock raising, or the cultivation of their places, a secondary consideration, and make the business of guiding tourists, or "dudes" as they are called in the region, their principal occupation. The killing of game by the Indians and by the increasing number of "dude" hunters threatens to so deplete the region of big game, deer, elk, moose, etc., as to jeopardize the occupation of the guides.

It was decided at the close of last season to keep the Indians out of the region this year, and the events of this summer are the results of carefully prepared plans. Mr. Pettigrew, United States commissioner at Marysvale, said: "At our last election the question of keeping out the Indians was the most important one we had to deal with, and the township officers elected, constable and justice of the peace, were selected because we knew they would take decided steps to help us keep the Indians out." Constable Manning said: "We knew very well when we started in on this thing that we would bring matters to a head. We knew some one was going to be killed, perhaps some on both sides, and we decided the sooner it was done the better, so that we could get the matter before the courts."

Third. If a full investigation of the Jacksons Hole affair should be had the fact will be established that when Constable Manning and his posse of 26 settlers arrested a party of Indians on July 13 and started with them for Marysvale, he and his men did all they could to tempt the Indians to try to escape in order that there might be a basis of justification for killing some of them. On July 4 a party of eight Bannocks was arrested on Rock Creek near the head of Green River and taken to Marysvale, where six of the party were fined $75 each and costs, the total amount of fines and costs being about $1,400. This the Indians were unable to pay, and they were placed under guard to await instructions as to their disposal. The county authorities from whom the information was asked failed to reply to the inquiries of the Jacksons Hole officers, who at once relaxed guard duty over the Indians who escaped from custody.

The next arrest of Indians was made July 13. Constable Manning and 26 deputies surrounded a camp of 10 bucks and 13 squaws at night, and early in the morning with guns leveled at the Indians made the arrest, the Indians offering no resistance. The arrest was made on Fall River, 55 miles from Marysvale. The warrant was for Bannock and Shoshone Indians, the names and number of the Indians to be arrested not being stated. After the arrest was made, the arms, meat, and other articles in the possession of the Indians were taken from them. Constable Manning also took their passes, ration checks, etc. These papers gave the names and residences of most of the Indians. From an interview with Nemits, an Indian boy, who was one of the party of Indians arrested and shot, and from interviews with several of Mr. Manning's posse, I learned that the constable and his men told the Indians some of them would be hung and some would be sent to jail and that this was believed by the Indians. The constable also said in the hearing of the Indians, some of whom understood English, that if the Indians attempted to escape the men should shoot their horses.

If the truth of the matter can be reached it will be found that the captors did not care particularly about getting their prisoners safely to Marysvale, where the same formality of fining them and then having to let them escape would result, as in the previous case, but on the contrary tempted the Indians to try to escape, first, by making them believe if they tried to escape their horses only, and not they, would be shot. The Indians are in many respects like children, and are very credulous.

They believed the threats of being sent to jail and of being hung were true, and they saw no trick in Manning's instructions, given in their hearing, to shoot their horses if they tried to get away.

In an interview with Constable Manning he was asked why he did not tie the Indians on their horses and thus effectively prevent their escape. He said in reply: "The trail was a dangerous one and if a horse fell the Indian tied on might get hurt and I would have been censured." Asked why it was necessary to kill the escaping prisoners when he knew their names and addresses and could have subsequently obtained his prisoners by going to the Fort Hall Agency for them, he said: "The agent would probably refuse to give up the Indians if any demand were made for them."

From Mr. Manning I learned that none of the horses of the escaping party of Indians were shot, notwithstanding his order, but that at least six Indians were hit by bullets. Of these, Timeha, an old man, was killed; Nimits, a boy of about 20, was wounded so that he could not escape, and the others got away. Constable Manning said to me: "The old Indian was killed about 200 yards from the trail. He was shot in the back and bled to death. He would have been acquitted had he come in and stood his trial, for he was an old man, almost blind, and his gun was not fit to kill anything."

When the body of this old, sick, blind man was found after lying unburied in the woods for about twenty days it was found he had been shot four times in the back. The boy, Nemits, who was wounded, was shot through the body and arm. He was left on the ground where the shooting occurred, and remained there, living on some dried meat for ten days. He crawled for three nights to reach a ranch of a man friendly to Indians, and was seventeen days without medical attendance.

The whole affair was, I believe, a premeditated and prearranged plan to kill some Indians and thus stir up sufficient trouble to subsequently get United States troops into the region and ultimately have the Indians shut out from Jacksons Hole. The plan was successfully carried out and the desired results obtained. It would, however, be but an act of simple justice to bring the men who murdered the Indian, Timega, to trial. I would state, however, in this connection that there are no officials in Jacksons Hole—county, State, or national—who would hold any of Manning's posse for trial. Either the anti-Indian proclivities of these officials or the fear of opposing the dominating sentiment of the community on this question would lead them to discharge all of these men should they be brought before them for a hearing.

August 19, 1895, Agent Teter telegraphed this office as follows:

Bannock Indians are very sullen and very much dissatisfied. Have recently had several brawls with whites, and if another Indian is killed an outbreak is liable to occur; and I will advise as a precautionary measure that soldiers be stationed on reservation until Indians quiet down. Signal fires have been burning on the highest points of the reservation for several nights.

Your telegram promising Indians increased rations and employment did not placate them. They still demand privilege of hunting.

The War Department was thereupon advised of this information, which was transmitted to Brigadier-General Coppinger, who stationed a small military force on the reservation, to remain until the Indians become quieted down.

On August 26, 1895, the agent telegraphed:

Consider it necessary for purpose of allaying discontent among Indians to send party of Indians into Jacksons Hole to obtain their property held by settlers, and will request authority to have an employee accompany them. Answer.

This was also submitted to the War Department for an opinion as to the advisability of allowing these Indians to go to the scene of the late

troubles for the purposes indicated. The Secretary of War, September 7, 1895, stated that the matter had been referred to Brig. Gen. J. J. Coppinger, commanding Department of the Platte, who reported as follows:

These Bannocks have an undoubted right to seek their property illegally held by white men in Jacksons Hole. If the Bannocks go there without proper guard they run risk of being again shot at, or again arrested under cover of warrant, by the rustlers. The commanding officer of the troops now at Fort Hall Agency can furnish the necessary men for guard or escort. If these Bannocks go to Jacksons Hole they should be placed in charge of a discreet and experienced employee of the Indian Bureau; one accustomed to deal with both Indians and rustlers; this in order to guard against further bloodshed and consequent complications.

The Secretary of War concurred in the views expressed by Brigadier-General Coppinger, and this office therefore instructed Agent Teter, on September 14, 1895, that a party of not to exceed eight Bannocks might be permitted to make the proposed trip to recover their property taken by whites, provided they were accompanied by himself or a trusted and competent agency employee, and by a proper escort of soldiers. Recommendation was therefore made that the War Department be requested to issue such orders as might be necessary for the required escort of United States troops.

In view of the provisions contained in Article I of the treaty of the United States with these Indians, this office, August 27, 1895, addressed the following letter to their agent:

Article 1 of the treaty with the Eastern Band of Shoshones and the Bannock tribe of Indians, concluded July 3, 1868 (15 Stats., 673), provides as follows:

* * * "If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained." * * *

I desire you to obtain, at the earliest practicable date, such proof as you may be able to procure of the wrongs committed upon the persons and property of the Banncok Indians in the Jacksons Hole country, and forward the same to this office. Affidavits of the Indians against whom the offenses were committed and of eyewitnesses, or persons knowing to the facts, will answer the purpose.

The agent replied September 3, 1895, transmitting two affidavits from certain of the Indians, which read as follows:

COUNTY OF BINGHAM, *State of Idaho, ss:*

Personally before me appeared Ravenel Macbeth, who, being duly sworn, deposeth and says that he is employed as chief clerk at Fort Hall Agency, Idaho, and while on duty in that capacity he accompanied U. S. Indian Agent Thomas B. Teter to Marysvale (Jacksons Hole), Uintah County, Wyoming, to assist in conducting an investigation relative to the killing of certain Bannock Indians by citizens of the State of Wyoming; that in an official conversation with one Frank H. Rhoads, justice of the peace, he (Rhoads) said to me that before issuing warrants for the arrest of the Bannock Indians who were hunting in Wyoming, he (Rhoads) wrote to Governor Richards, of Wyoming, requesting instructions and asking if he (Rhoads) could depend upon him (Governor Richards) to protect him (Rhoads) in the event of

trouble with the United States authorities over the arrest of said Bannock Indians; and that said Governor Richards wrote him (Rhoads), "directing him to enforce the laws of Wyoming, to put the Indians out of Jackson's Hole, and to keep them out at all costs, to depend upon him for protection, and that he (Governor Richards) would see him through," whereupon he (Rhoads) acted. Further deponent saith not.

RAVENEL MACBETH.

Subscribed and sworn to before me this 3d day of September, 1895.

P. H. RAY,
*Captain, Eighth Infantry, Summary Court Officer.*

Witness:
DAN'L T. WELLS,
*Captain, Eighth Infantry.*

CAMP UNITED STATES TROOPS,
*Fort Hall Agency, Idaho.*

COUNTY OF BINGHAM, *State of Idaho, ss:*

Personally appeared before me Ben Senowin, a Bannock Indian, who, being duly sworn, deposeth and says: That he is the head of a clan, and that on or about July 15, 1895, while hunting on unoccupied Government lands east of Jacksons Hole, in the county of Uinta, State of Wyoming, under a pass from the U. S. Indian agent at Fort Hall Agency, and provisions of article 4 of the treaty with the Shoshones (Eastern band) and Bannock Indians, dated July 3, 1868, and ratified February 16, 1869, in company with Nemuts, Wa ha she go, Ya pa ojo, Poo dat, Pah goh zite, Mah mout, Se we a gat, Boo wah go, thirteen women and five children, all Bannock Indians, were, while in camp, feloniously assaulted and by force of arms attacked by a party of twenty-seven white men, and having been made under threat of death to give up all of their arms, consisting of seven rifles and ammunition, were marched thirty miles, more or less, in the direction of the white settlement; that during the afternoon of the aforesaid date, while passing through a belt of timber, the deponent saw several of the white men placing cartridges in their rifles and believing his own life and the lives of the members of his party to be in danger, called upon his people to run and escape, whereupon the white men, without just cause or provocation, commenced to fire with rifles loaded with ball cartridges upon him, the deponent, and his people; that he, the deponent, saw one Indian named Se we a gat fall dead, killed by said fire, and one Nemuts wounded, and that one infant was lost while they were escaping and has not since been found; and deponent further saith himself and his party were by force of arms of said party of white men and by threats of instant death feloniously deprived and robbed of the following articles of personal property, to wit: Seven rifles, twenty saddles, twenty blankets, one horse, nine packs of meat, and nine tepees, more or less; and deponent further saith that neither he or any of his people were told why or by what authority they were assaulted; that he is not aware that either he or any of his party had committed any offense against the laws of any State or the United States; or that he or any of his party ever attempted or offered any violence, or had made any threats against the life or property of any white man; that the white man never gave him or his party any hearing, or asked him or his party any questions through an interpreter or otherwise; that neither he or any of his party were ever called upon to answer or plead in any court of justice or make answer to any charge whatsoever.

BEN (his x mark) SENOWIN.

Witness:
RAVENEL MACBETH.
Sworn and subscribed to before me this 1st day of September, 1895.

P. H. RAY,
*Captain, Eighth Infantry, Summary Court Officer.*

CAMP UNITED STATES TROOPS,
*Fort Hall Agency, Idaho.*

I certify on honor that the following names were given me by Frank H. Rhoads, J. P., as the names of the men who committed the assault put forth in the foregoing affidavit: J. G. Fisk, Ham Wort, Steve Adams, Joe Calhoun, William Crawford, Ed. Crawford, Martin Nelson, Joe Enfinger, W. Munger, Ed. Hunter, Frank Woods, Frank Peterson, Jack Shive, George Madison, Andrew Madison, M. V. Giltner, Charles Estes, James Estes, Tom Estes, George Wilson, John Wilson, Erv Wilson, Victor Gustavse, Steve Leek, William Bellvue and John Cherrey, and William Manning.

THOS. B. TETER, *U. S. Indian Agent.*

COUNTY OF BINGHAM, *State of Idaho, ss.*

Personally appeared before me Nemuts, Boo wah go, Ya pa ojo, Mah mout, Wa ha she go, Poodat, and Pah goh zite, Bannock Indians, who, being duly sworn, deposeth and say that they have heard the interpreter read to them the foregoing affidavit of Ben. Senowin; that they were there present and know of their own knowledge the statement set forth is true to the best of their knowledge and belief.

NEMUTS (his x mark).
BOO WAH GO (his x mark).
YA PA OJO (his x mark).
MAH MOUT (his x mark).
WA HA SHE GO (his x mark).
POO DAT (his x mark).
PAH GOH ZITE (his x mark).

Witnesses:
RAVENEL MACBETH.
TOMMY COSGROVE.

Sworn and subscribed to before me this 1st day of September, 1895.

P. H. RAY,
*Captain, Eighth Infantry, Summary Court Officer.*

CAMP UNITED STATES TROOPS,
*Fort Hall Agency, Idaho.*

Witness:
DAN'L T. WELLS,
*Captain, Eighth Infantry.*

Report was thereupon made to the Department September 11, 1895, inclosing a copy of the above affidavits.

As shown by Article I, heretofore quoted, of the treaty of these Indians with the United States, concluded July 3, 1868 (15 Stats., 673), this Government is bound, under the said treaty provisions, to cause the offenders' arrest and punishment according to the laws of the United States, and also to reimburse the injured persons for loss sustained. The proof necessary, as stipulated in the said Article I, is now before the Department, and, in the opinion of this office, no means should be left untried and no efforts be spared by the Department to the end that the treaty provisions with these Indians may be faithfully carried out and good faith kept with them on the part of the Government.

In view of the above, and of the fact that these Indians are still sullen and very much dissatisfied with the action already had in the case, and urge that the guilty whites be punished, it was submitted in my said report of September 11, 1895, whether or not something could be done by the Department of Justice toward punishing the offenders.

## CHEROKEE FREEDMEN, DELAWARES AND SHAWNEES.

By the fifteenth article of the Cherokee treaty of July 19, 1866 (14 Stats., p. 803), it was stipulated that—

> The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of 96°, on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with the following provisions, viz: Should any such tribe or band of Indians settling in said country abandon their tribal organization, there being first paid into the Cherokee national fund a sum of money which shall sustain the same proportion to the then existing national fund that the number of Indians sustain to the whole number of Cherokees then residing in the Cherokee country, they shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect with native citizens.

In pursuance of this treaty stipulation, the Cherokee Nation, through its duly authorized delegates, entered into an agreement on the 8th day of April, 1867, with certain delegates for and on behalf of the Delaware tribe of Indians, whereby the Delawares should thus become incorporated into the Cherokee Nation, on fulfillment of the stipulations contained in the agreement, and the children thereafter born of such Delawares so incorporated into the Cherokee Nation should in all respects be regarded as native Cherokees. This agreement was approved by President Johnson April 11, 1867. A similar agreement was entered into between the Cherokees and Shawnees June 7, 1869, and the agreement was approved by President Grant June 9, 1869.

By the ninth article of the aforesaid Cherokee treaty, it was further agreed—

> That all freedmen who have been liberated by voluntary act of their former owners, or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees: *Provided*, That owners of slaves so emancipated in the Cherokee Nation shall never receive any compensation or pay for the slaves so emancipated.

By the sundry civil appropriation act approved March 3, 1883 (22 Stats., p. 624), Congress appropriated $300,000 to be paid into the treasury of the Cherokee Nation out of the funds due under appraisement of Cherokee lands west of the Arkansas River, which sum was to be expended as the acts of the Cherokee legislature should direct under certain conditions and provisions named in the appropriation, which were complied with. This money, or such portion thereof as was paid out, was paid per capita to citizens of Cherokee blood only. By act of October 19, 1888 (25 Stats., p. 608), Congress appropriated $75,000 of the Cherokee funds to secure to the Cherokee Freedmen, Delawares, and Shawnees their proportion of the proceeds of the Cherokee lands west of the Arkansas River referred to in the act of March 3, 1883.

Subsequently other funds in various amounts were received by the Cherokees, none of which were distributed pro rata to the Freedmen, Delawares, and Shawnees. Among them was particularly the amount received for the sale of the Cherokee Outlet, $8,595,736. A portion of this, $1,660,000, was retained in the United States Treasury until the status of the Shawnees, Delawares, and Freedmen should be determined by the courts. Most of the remainder, $6,640,000, was distributed to Cherokee citizens by blood to the exclusion of the adopted citizens and Freedmen.

Consequently a suit was instituted by each of the aforesaid parties against the Cherokee Nation, in the Court of Claims,[1] under the authority of act of Congress approved October 1, 1890 (26 Stats., p. 636), viz:

No. 16837.—Charles Journeycake, Principal Chief of the Delaware Indians v. The Cherokee Nation and the United States.

No. 16856.—Johnson Blackfeather, the Principal Chief of the Shawnee Tribe of Indians v. The United States and the Cherokee Nation.

No. 17209.—Moses Whitmire, Trustee for the Freedmen of the Cherokee Nation, v. The Cherokee Nation and the United States.

**Delawares.**—The suit by the Delawares having been heard, the Court of Claims filed its first decree thereon April 24, 1893. Its general purport was to determine and declare the rights of the Delawares in the common property of the Cherokee Nation, which decree declared that they were citizens of the Cherokee Nation equally with those who were Cherokees by blood, and equally entitled to participate in a fund derived from the common property. This decree was carried to the Supreme Court by appeal of the defendants and affirmed.

On petition of complainants for further decree the Court of Claims on the 18th of March, 1895, decreed that the decree in this suit entered May 22, 1893, be extended and applied to the fund arising from the sale of the Cherokee Outlet viz, $8,595,736; that 759 be taken as the number of Delawares entitled to participate in that fund, and that the sum of $188,254 be paid by the treasury of the Cherokee Nation or by the Secretary of the Interior "to the individual Delawares, per capita, who would have been entitled to the same if the unconstitutional restrictions above referred to had not existed in the distribution of the fund of $6,640,000 to the exclusion of the complainants therein."

**Freedmen.**—The suit for the Freedmen having been heard, the Court of Claims filed its first decree March 4, 1895, suspending its judgment until the number of persons who were entitled to participate or the number of persons who constituted the body of the present claimants could be ascertained.

In its second decree of March 18, 1895, the court took the Wallace roll as furnishing the true number of the Freedmen, 3,524, and stated that it would enter a decree, following the form of that which was last entered in the case of the Delawares, to the effect that the Secretary

[1] For the decrees of the Court in these suits see p. —.

of the Interior should cause the Wallace roll to be further corrected by adding thereto descendants born since March 3, 1883, and prior to May 3, 1894, and striking therefrom the names of those who have died or have ceased to be citizens of the Cherokee Nation, so that, when so amended and changed, it should represent the Freedmen entitled to participate in the distribution of the fund awarded them, viz, $903,365. To that end the Secretary of the Interior was authorized to appoint a commissioner to proceed to the Cherokee country and ascertain and report to the Secretary the facts necessary for the correction of the roll above described, so that, when a new and corrected roll should be thus made and approved by the Secretary of the Interior, he should cause the money to be paid and distributed to the Freedmen entitled thereto.

The final decree in this case, filed May 8, 1895, carries out what was anticipated in the decree of March 18, 1895, directing that the Secretary of the Interior, when a new and corrected roll is made and approved by him, shall cause the amount remaining of the fund awarded the Freedmen under this decree to be paid and distributed to the Freedmen, free colored persons, and their descendants aforesaid entitled thereto, not to exceed the sum of $256.34 per capita, etc.

**Shawnees.**—The suit by the Shawnees having been heard, the Court of Claims filed its first decree thereon June 12, 1893, which was similar in purport to that rendered in behalf of the Delawares. This decree was carried to the Supreme Court by appeal. A second decree was entered in the Court of Claims May 21, 1895, in pursuance of a mandate of the Supreme Court of the United States, which ordered that out of the sum of $593,625 distributed by the Cherokee Nation to Cherokees by blood only a distribution be made based on the agreement and stipulation made by and between the Cherokee Nation and the Shawnees and approved by the Supreme Court of the United States, to wit, to 737 Shawnee persons; and that the fund so ascertained, $21,852.05, be paid by the treasury of the Cherokee Nation or by the Secretary of the Interior to the 737 individual Shawnees, per capita, who would have been entitled to the same if the unconstitutional restriction and discrimination in the Cherokee statutes had not existed.

A supplemental petition was also filed by the Shawnees January 12, 1895, in regard to their share in the $8,595,736 received from the sale of the Cherokee Outlet. In its decree the court stated that it appeared to the court that the sum of $1,660,000, which had been retained out of the $8,595,736, would not be sufficient to pay to the several parties in interest the full amount due them to make them "equal in every respect" to the native Cherokees, namely, $265.70 per capita, which, for the Shawnees, would have amounted to $195,820.90, the sum asked by them.

It was therefore decreed that there was due and payable to said Shawnees, out of said fund now available in the United States Treasury, the sum of $226.69 per capita, or a total sum on their supplemental petition of $167,070.53. This, added to the $21,852.05 previously decreed,

made a total of $188,922.58, which, together with $2,300 additional for costs of suits, etc.—a grand total of $191,222.58—the court decreed should be paid by the Secretary of the Interior (out of the moneys reserved by and in the custody of the United States for that purpose) to the individual Shawnees, per capita, who would have been entitled to the same if the unconstitutional restrictions and discrimination had not existed in the distribution of the said fund of $6,640,000 to the exclusion of the Shawnees.

## INTRUDERS IN THE CHEROKEE NATION.

The Indian appropriation act of March 2, 1895 (28 Stats., 902), contains a provision in regard to the removal of intruders from the Cherokee country, as follows:

> The Secretary of the Interior is hereby authorized and directed to suspend action under the provisions of the act of Congress approved March third, eighteen hundred and ninety-three (27 Stats., 641), ratifying the agreement with the Cherokee Nation of December nineteenth, eighteen hundred and ninety-one, as to the actual removal from the Cherokee country of persons designated by the authorities as intruders, until the appraisal of the value of the improvements of such persons shall have been completed and approved by the Secretary of the Interior and submitted by him to Congress and the removal of such intruders shall not be made earlier than January first, eighteen hundred and ninety-six: *Provided*, That whenever any intruder shall have been paid or tendered the appraised value of his improvements, if he does not immediately surrender possession of the same to the authorities of the Cherokee Nation he shall pay rent therefor at the rate usual in the country, but this provision shall not be construed to extend the time for the removal of intruders according to the foregoing agreement beyond the first day of January, eighteen hundred and ninety-six.

As stated in my last report, the work of appraising improvements of intruders in the Cherokee Nation was suspended under a telegram from the Department dated December 22, 1893, for lack of funds to pay the further expenses of the appraisers. Congress having in the act of August 15, 1894, appropriated $4,996 for continuing the appraisal of intruders' improvements, the appraisers, Messrs. Joshua Hutchins, Peter H. Pernot, and Clem V. Rogers, in accordance with instructions contained in letters from this office dated October 11, 1894, met at Vinita, Ind. T., October 22, and resumed their labors.

They completed the work and submitted their final report to this office on March 16, 1895. Accompanying their report was the testimony taken in the claims which they had examined and two series of special reports, 386 in all, each report (except No. 316) relating to a separate claim. The first series related to the improvements of persons alleged to be intruders in the nation, who claimed citizenship therein by blood, and embraced reports numbered from 1 to 316, inclusive. The second series related to improvements of persons of African descent alleged to be intruders, who claimed rights in the nation under the ninth article of the Cherokee treaty of 1866 (14 Stats., 799), and embraced reports, numbered from 1 to 70.

The Cherokee Nation furnished the appraisers with lists containing the names of 2,858 heads of families who were alleged by the national authorities to be intruders therein. It was estimated by the board that these 2,858 families represented an aggregate of 8,526 persons, whose removal was demanded by the principal chief under the provisions of the Cherokee agreement of December 19, 1891, ratified by section 10 of the act of March 3, 1893.

Of the 2,858 families reported by the Cherokee authorities as intruders in that nation, 166 of them claimed rights in the nation under the ninth article of the treaty of 1866.

The appraisers examined the improvements of 384 of the alleged intruders whose names appeared on the lists furnished by the Cherokee Nation, and took evidence to determine:

First. Whether the improvements claimed were the property of the party claiming within the meaning of the law;

Second. Whether the claimant entered upon the possession or occupancy thereof prior to August 11, 1886; and

Third. The value of the improvements claimed.

By these investigations the appraisers found that 117 persons were entitled to receive the value of their improvements, and as to another case they were in doubt, but appraised the value of the improvements and submitted for determination by the Department the question of the rights of the claimant. Eighty-eight of these were parties claiming rights of citizenship in the nation by blood, and twenty-nine were parties claiming citizenship in the nation under the ninth article of the treaty of 1866, known as Cherokee Freedmen.

The reports of the appraisers were given administrative examination in this office, and were submitted to the Department with an exhaustive report on May 27, 1895. In that report recommendations were made with a view to the modification of the findings of the appraisers to the extent of increasing the award to one claimant; the reduction of the award to another on account of an error in their calculation; the allowance of the award to the claimant whose rights were submitted for determination of the Department as above stated; and the disallowance of all awards to Cherokee Freedmen claimants. Tabulated, the modifications recommended by this office are as follows:

| | |
|---|---|
| Awards made by appraisers | 117 |
| Awards recommended by this office | 89 |
| Difference | 28 |
| Total awarded by appraisers | $74,180.56 |
| Total recommended by this office | 68,645.36 |
| Difference | 5,535.20 |

With reference to the recommendation for the disallowance of all awards to Cherokee Freedmen the reasons therefor, which are set out fully in said office report of May 27, 1895, are briefly as follows, viz:

Of the 166 names of persons claiming rights in the nation under the ninth article of the Cherokee treaty of 1886, 89 are found on the roll of Cherokee Freedmen in this office, which is known as the "Wallace roll." A proviso to the article of the Cherokee agreement of 1891, which requires the removal of Cherokee intruders on the demand of the principal chief of that nation, protects the rights of all entitled to citizenship under said ninth article of the treaty. In addition to this the Court of Claims, in a decree in the Cherokee Freedman Case, on March 18, 1895, accepted said "Wallace roll" "as furnishing the true number of Freedmen, 3,524." Therefore those whose names appear on said roll are not intruders and not subject to removal on the demand of the principal chief of the Cherokee Nation. In view of this the office recommended that these 89 names, a list of which was inclosed, be stricken from the Cherokee intruder lists.

As to the 77 other Freedmen claimants whose names do not appear on the "Wallace roll," it was ascertained that the wives and children of some of them are on said roll, and as the acceptance of the Cherokee intruder lists without modification would involve the declaration not only that the parties named are intruders, but also that the other members of their family, some of whom are known to be on the "Wallace roll," are likewise intruders and liable to removal, it was recommended that these 77 names, a list of which was furnished, be suspended from the intruder lists until the status of their families can be ascertained by some proper investigation.

The Department, August 3, 1895, approved the findings and awards of the board of appraisers with the modifications recommended by this office, and August 23, 1895, a copy of so much of the papers in the case as was deemed sufficient to give the Cherokee authorities the information necessary to enable them to tender the amounts awarded to the persons entitled to receive them was transmitted to the principal chief of the Cherokee Nation in accordance with the instructions contained in Department letter of August 13, 1895.

## CHELAN INDIANS IN WASHINGTON.

The Department having set aside and allotted certain lands in the State of Washington to some of the Chelan Indians under the Moses agreement, as explained in my last annual report, the office directed Acting Indian Agent Bubb, of the Colville Agency, to put the allottees in possession of their respective allotted tracts.

In his endeavor to carry out the instructions of the office, temporary injunction was obtained against him in the United States circuit court for the district of Washington, sitting in equity, by one La Chappelle, a trespasser upon a portion of the allotted lands. On final hearing had April 19, 1895, the injunction was made perpetual, but the prayer of the complainant for a decree declaring him to be the owner of the land in controversy and quieting the title in him was denied. The

decree making the injunction perpetual was rendered without prejudice to the right of the defendants to bring an action in any court of competent jurisdiction to recover possession of the land.

May 18, 1895, all the facts in the case were laid before the Department and the law bearing thereon cited, with the recommendation that the matter be presented to the Department of Justice with request that the United States district attorney for the State of Washington be instructed to institute in the proper court an action of ejectment against A. W. La Chappelle and any others in possession of the lands allotted to the Chelan Indians, or such other action as he might deem proper to put the Indians in possession of the lands claimed by and allotted to them, and to quiet title thereto. August 6 last I was advised by the Department of Justice that the United States attorney for the district of Washington had been instructed to take such action as, upon careful consideration of the facts in the case, he should deem proper and likely to result successfully. It is trusted that successful proceedings will be had, so that justice may be done these Indians, long harassed and trespassed upon by Mr. La Chappelle and other whites.

## SALE OF CITIZEN POTTAWATOMIE AND ABSENTEE SHAWNEE LANDS IN OKLAHOMA.

By the Indian appropriation act approved August 15, 1894 (28 Stats., p. 295), Congress provided that—

> Any member of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma to whom a trust patent has been issued under the provisions of the act approved February eighth, eighteen hundred and eighty-seven (24 Stats., 388), and being over twenty-one years of age, may sell and convey any portion of the land covered by such patent in excess of eighty acres, the deed of conveyance to be subject to approval by the Secretary of the Interior under such rules and regulations as he may prescribe, and that any Citizen Pottawatomie not residing upon his allotment, but being a legal resident of another State or Territory, may in like manner sell and convey all the land covered by said patent, and that upon the approval of such deed by the Secretary of the Interior the title to the land thereby conveyed shall vest in the grantee therein named.

This legislation was not inaugurated by the Indians or by this office, or the Department in behalf of the Indians, but was opposed and contested by all proper methods as not in the line of Indian progress and advancement, and as manifestly not in keeping with the spirit of the act of 1887, which guaranteed to each Indian who took land under said act a patent therefor in his name, "which patent shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made."

These promised patents holding the land unalienable for twenty-five years were issued to these Indians in January and February, 1892, and before three of the twenty-five years had elapsed the restriction had

been removed, and any member of these tribes 21 years of age was privileged, by the above-quoted clause, to dispose of all of his domain, in excess of 80 acres, which had been assigned to him as a home.

Under the authority thus granted, speculators, land sharks, and some bona fide settlers vied with each other in their hasty attempts to purchase the lands and homes of these Indians, until the more sensible and provident members of the tribes became alarmed and urged the Government to put a stop to this wholesale disposal of their lands before the tribes should be entirely robbed of their individual holdings. In fact, before the rules and regulations prescribed by the act could be properly prepared by this office, approved by the Department, printed, and sent out to the Sac and Fox Agency for general circulation and information, over one hundred deeds had been received here, covering all the land these individual Indians severally owned and were allowed under the act to sell.

The prices named in the deeds at once attracted the attention of this office, being much below the rates fixed by Congress to be paid for the remainder of the lands ceded to the United States after selections of allotments should have been made by the Indians. (See section 16 of act of March 3, 1891, 26 Stat., p. 1026.) Indeed, the utmost difficulty has been experienced by this office to obtain a fair valuation for the various tracts sold and to secure evidence of the payment of the consideration money and its retention by the Indian and to restrain the Indian from returning a portion of the purchase money to the purchaser.

Some of these Indians may use the purchase money to inclose and improve the land retained; if so, then the sale should be consummated, for many of them have not the means to break land and build houses nor to inclose their lands so as to protect them from trespass by the "grazing leasers."

These instances, however, are few and hard to detect, the large majority of sales being mainly in the interest of the purchasers. On their part the purchasers are encouraged in their movements by public sentiment in that region, it being well known that until the lands get into possession and ownership of white men and thereby become taxable, the counties are contracted to that extent in their power to develop and improve, for lack of funds which would be derived from taxation of those lands.

From the character of the conveyances submitted under this legislation and the difficulty of securing their just rights for the Indians, I most urgently recommend that if Congress will not repeal the present law on the subject, at least it do not enact similar legislation for many years to come respecting the sale of land by any tribe to whom lands in severalty have been allotted and patented under the general allotment act of 1887, known as the "Dawes Act," with its amendment of 1891.

## CHIPPEWA AND MUNSEE INDIANS IN KANSAS.

There was given, at some length, in the annual report of this office for the year 1891 the status of these Indians and of their lands. The recommendations then made, and renewed in the annual reports for 1892 and 1893, meet my approval, and I respectfully renew the request that Congress be asked to enact the necessary legislation for their relief, as was then recommended, viz:

In view of the condition of the affairs of these Indians and the fact that under the general allotment act of February 8, 1887, they were made citizens of the United States, I respectfully recommend that Congress be asked to grant authority to issue patents in fee to the allottees of the several tracts, or to those assigns whose conveyances have been approved by the Department; and that such lands as are vacant or abandoned, including their school and mission lands and the tract on which the schoolhouse was located, be appraised and sold by the Commissioner of the General Land Office, the net proceeds arising from the sale to be funded for the use and benefit of those members of said tribe born since the allotments were made, or who have never received an allotment.

## CLAIMS OF SETTLERS ON CROW CREEK AND WINNEBAGO RESERVATIONS, S. DAK.

Nearly all the claims of settlers who located in the spring of 1885 on the Crow Creek and Winnebago reservations, in what was then Dakota Territory, which were investigated in accordance with the provisions of the act approved October 1, 1890 (26 Stat., 659), and found to be just and proper, have been settled since my last annual report was submitted. The claims remaining unpaid are those of settlers who have not, as yet, made application for the amounts found respectively due them, or who have failed to submit the required proofs as to their identity.

After the investigation authorized by the act of October 1, 1890, had been concluded and the special agent had submitted his report thereon, this office received several inquiries from settlers, residing generally at remote points, who had not learned of the investigation until too late, if at all, and whose claims were not therefore in a position to be considered and settled with the others under said act. Congress, however, provided for the relief of this class of claimants by inserting a clause in the Indian appropriation act of March 2, 1895 (28 Stats., 899), which authorized the reimbursement of such settlers for the actual and necessary losses which upon investigation they might be found to have sustained. Blank forms for use in presenting these claims, with necessary proofs, were sent to the several claimants or their agents, and the investigation has thus far been conducted by correspondence.

The names of about 90 of these additional claimants have come before the office. This is far in excess of the number which it was estimated would arise when the legislation in behalf of such remaining claims was first proposed. As the appropriation made for the purpose of paying them is only a little more than $5,000, there will hardly be sufficient to satisfy all the claims in full for the amounts found due.

The act of March 2, 1895, also provides that where claims investigated under the act of October 1, 1890, were wholly disallowed such claimants may within six months bring suit in the Court of Claims; that the time when the settler removed from the reservation shall be no bar to said suit, but that if he arbitrarily disobeyed or failed without good reason to obey the order to remove his claim shall be disallowed. Of the 944 claims heretofore investigated about 55 were entirely disallowed, in most cases on the ground that the claimants failed to vacate the lands settled upon within a reasonable time. It is expected that a majority of this class of disallowed claims will be brought before and prosecuted in the Court of Claims in accordance with the foregoing provision of law.

## DIGGER INDIANS IN CALIFORNIA.

By acts of March 3, 1893 (27 Stats., 612), and August 15, 1894 (28 Stats., 286), Congress appropriated $20,000 ($10,000 each), for the purchase of lands as a home for the Digger Indians of central California, for the establishment and maintenance of a primary day school for their benefit, for the purchase of subsistence and other necessaries, and for their civilization generally.

Special Agent Cosby was charged with the duty of selecting a site for their homes, and he recommended the purchase of 330 acres of land adjoining the United States experimental station, about 4 miles from Jackson, Cal. Agent Cosby's reports show that the tract is eminently suitable for a permanent reservation. The soil is good; nine-tenths of the area (some portions needing clearing) is suitable for hay, grain, gardening, and general agricultural purposes; it contains four living springs and several valuable irrigation ditches, including a creek with heavy grade, and has facilities for and accessibility to reservoirs; there are eleven houses fit for immediate occupancy of the Indians, and the Government has the privilege of removing two other houses thereto from adjacent lands belonging to Mr. Boggs—all these houses being worth in the aggregate $2,000; there is considerable fencing on the place, and a portion of the tract is covered by timber—oak and nut pine.

This tract was purchased for $6,600. Deed therefor has been made by John Boggs, the owner, and approved by the Department, the purchase money paid, and possession of the land given.

Agent Cosby reports under date of July 18, 1895, that he has located some Indians on the land and will place others thereon at the earliest practicable date, and it is expected that the work of locating these

Indians will soon be completed. There is every reason to believe that the provision thus made for them will materially improve their condition and advance them in civilization.

## EASTERN BAND OF CHEROKEES, NORTH CAROLINA.

In my last annual report reference was made to the agreements of compromise made in behalf of the North Carolina Cherokees with whites who had settled upon their lands under titles which the Government was bound to respect. It was thought that these compromises when carried into execution would secure the Indians a perfect title to all the lands inside the Qualla boundary and leave unsettled only a comparatively unimportant controversy concerning certain tracts of land outside the boundary, which was then well on the way toward settlement. Since then a new issue has arisen, in which the Indians, through bad if not selfish advisers, determined to cut loose from all guardianship, control, or oversight of their affairs by the General Government.

Through their council they executed a contract May 18, 1893, with one W. C. Smith for the sale of all their timber of certain kinds and dimensions on the Cathcart tract for the sum of $15,000, to be paid in three equal installments, $5,000 on the 6th of September, 1893, and $5,000 in one and two years thereafter, respectively. The first official knowledge this office had of this contract was when Mr. Smith filed a copy thereof for approval by the President. The contract was submitted to the Department with unfavorable report August 23, 1893, and was returned September 6, 1893, the Secretary declining to approve it. At the same time he said that he saw no reason why with certain modifications the contract should not be approved provided it would be clearly for the benefit of the Indians and the price named in the contract were shown to be the full value of the timber. The superintendent of schools, acting as agent for these Indians, was duly advised of this decision and instructed to have the contract amended or renewed in accordance therewith.

Instead, however, of attempting to secure a modification of that contract, the council, through its appointed delegates, entered into another contract with one David L. Boyd for the same timber for the same consideration, viz, $15,000, and upon the same terms except that the payments were to be made to the Indians instead of to the Department (as suggested in office report of August 23, 1893, upon the Smith contract), and that H. G. Ewart, who was to be paid, for his services in obtaining it, 20 per cent out of the proceeds of the timber.

This contract and that of Mr. Smith were submitted to the Department November 24, 1893, with a recommendation in favor of the Boyd contract (provided certain modifications were made therein as to payment of money, etc.), the Indians having certified that Smith was

unable to meet his payments. The matter coming up before the Assistant Attorney-General, where it had been referred for a hearing, counsel for both Smith and Boyd submitted arguments or briefs in behalf of their respective clients, when Judge Hall gave it as his opinion, if either contract was to be approved, it should be the Smith contract. The matter was not finally disposed of until July 25, 1894, when the Department declined to approve either contract, and the parties in interest were so informed.

August 13, 1894, Messrs. Dickson and Mason, of Mattoon, Ill., advised this office that they had purchased from the said Boyd the timber on the Cathcart tract for $25,000, and proposed to commence cutting the timber at an early day. They were promptly notified of the status of the Boyd contract and warned not to enter the Cathcart tract for the purpose of cutting timber. The Department was duly notified August 23 of this threatened trespass, and recommendation was made that the facts be laid before the Attorney-General at once, with request that he direct the district attorney for the western district of North Carolina to institute such proceedings, under the law, as would prevent the cutting of said timber as soon as he was notified that the cutting had commenced. The Department of Justice, on the 30th of August, 1894, notified this office that instructions had been issued as requested.

It appeared afterwards that Messrs. Dickson and Mason had been unwittingly drawn into this purchase in January, 1894, and that when they learned the true situation of Mr. Boyd's pretended claim to this timber they required of him an indemnifying bond against loss for money paid, etc., should the Government fail to confirm the sale of the timber to him, and should they be hindered and stopped from manufacturing it into lumber. They did not desire to come in conflict with the Government upon such an issue, but were compelled by Mr. Boyd, who had given the indemnifying bond, to proceed to carry their contract into effect.

Messrs. Dickson and Mason, on the 29th of August, notified this office that they expected to commence cutting operations on the Cathcart tract September 10, 1894, which information was submitted to the Department September 1, 1894, with the recommendation that the Department of Justice be apprised thereof, in order that legal steps might be taken at once to suppress the cutting and to remove the trespassers from the land, prompt action being imperative if the Government intended to exercise any control or supervision over the lands of the Eastern Cherokees.

September 18, Superintendent Potter telegraphed as follows:

> Boyd began cutting timber to-day on Cathcart tract. Mason and Dickson here. Will be obliged to continue work unless Boyd is stopped. Have wired Glenn.

This information was forwarded to the Department, with recommendation that the Attorney-General be advised of the actual cutting of the timber, as had been anticipated, in order that he might telegraph

such instructions to the district attorney for the western district of North Carolina as he might deem requisite. The facts had been telegraphed to the district attorney by the superintendent, but it was thought possible that he would await instructions from the Attorney-General before proceeding to take definite steps to suppress the trespass.

September 18 Superintendent Potter telegraphed:

Boyd has felled over a hundred thousand feet of timber. Still cutting without interference. Mason and Dickson anxious for immediate settlement.

This information was duly forwarded to the Department September 19, 1894, with request that it be sent to the Attorney-General, urging early action by him for the suppression of this depredation. The Department of Justice replied, September 22, that it had communicated both by mail and telegraph with Robert B. Glenn, United States attorney, Winston, N. C., in regard to the matter. September 26 Superintendent Potter again telegraphed:

Boyd employed 40 additional men at cutting timber, and is engaging teams to haul same off the reserve to railroad; have wired Glenn to enjoin him immediately.

This information was sent the next day to the Department for the information of the Attorney-General.

On the 28th this office reported to the Department that Boyd's men had stopped work temporarily, at request of Superintendent Potter, to await the action of the court.

October 22, 1894, the Attorney-General notified the Secretary of the Interior, in connection with the suit instituted by the Department of Justice, at the request of the Interior Department, against D. L. Boyd and others, on account of timber trespass alleged to have been committed by them in pursuance of a contract not approved, that he did not consider it any part of the duty of the United States to maintain said suit, and that if it met the approval of the Department, whose suggestions he invited, he should direct the dismissal of the suit, and he should also withdraw the directions given to the United States attorney for the district to enter his appearance in defense of another suit brought by H. G. Ewart for fees claimed for executing the contract with said Boyd.

In reporting, October 30, 1894, upon this proposed action of the Attorney-General, this office held that an issue had been raised by the Indians and by parties representing themselves as their attorneys as to the jurisdiction of the Government over the Indians and their lands. The matter was first brought before the Assistant Attorney-General by Hon. Mr. Ewart, who, in his opinion of July 25, 1894, held that the Government had a right to exercise such jurisdiction. The Indians and their alleged attorneys, differing from that opinion, proceeded to act in their own behalf, hence the Department of Justice had been requested to enter suit against Mr. Boyd et al., so that the court might settle the question involved. It was a question that had perplexed the office for

many years, and it was held that it would be in the line of public policy to have a judicial determination thereof.

The office thereupon urged that the Boyd suit be prosecuted to a final decision, for when that judicial decision should be rendered the question of jurisdiction would receive its quietus and be respected by the Indians and by all parties, while the opinion of the Department of Justice could affect only the action of this office. The Department of Justice, on the 17th of November, 1894, notified the Secretary of the Interior that it would not take any further action in prosecuting the Boyd suit, and this office was so notified December 12, 1894.

Cutting began as soon as this action was known in North Carolina, and it was continued until the Department itself took issue with the Department of Justice, and, as a result, in February the district attorney was directed by the Attorney-General to prosecute the suit against Boyd to a decision, and this office was notified thereof through the Interior Department March 3, 1895.

The matter has since been vigorously prosecuted and every inch of ground hotly contested by the Indians and their alleged attorneys, but I am glad to know that a decision has finally been reached which settles the question of jurisdiction. Judge Charles H. Simonton, as circuit judge of the fourth circuit, delivered the following opinion:

All that is decided is that the Government of the United States has not yet ceased its guardian care over them nor released them from pupilage. The Federal courts can still, in the name of the United States, adjudicate their rights. * * * Their realty can be alienated, but the contract is reviewable by the Government for one purpose only—to protect them from fraud or wrong. * * * The case of the Cherokee trust funds (117 U. S., 288) does not conflict with these views. That case decides that this Eastern Band of Cherokee Indians is not a part of the nation of Cherokees with which this Government treats, and that they have no recognized separate political existence. But at the same time their distinct unity is recognized and the fostering care of the Government over them as such distinct unit.

This being so, the United States have the right in their own courts to bring such suits as may be necessary to protect these Indians.

The motion to dismiss the bill on this ground is disallowed. The injunction heretofore granted is continued until the further order of this court.

Judge R. P. Dick, as United States judge, concurring, held that the action of the Secretary of the Interior, the Attorney-General, and the district attorney, in procuring, by procedure in that court, execution of the new deed under which the Eastern Band of Cherokees now hold their lands in fee simple as a corporation, neither expressly nor by implication relieved the United States from any obligation of duty imposed or waived any power conferred by the Constitution, treaties, or acts of Congress.

A subsequent decree or order was issued by Judge Simonton, and concurred in by Judge Dick, to the effect that the opinion heretofore rendered held that the United States could maintain in that jurisdiction a suit for the protection of the Eastern Band of Cherokees; that they were the wards of the nation, recognized and protected as such by the executive and legislative departments of the Government.

But this conclusion did not dispose of the case. The answers and defenses set up in the case raised issues of fact important to the defendants and to the public which needed to be investigated and their truth or falsity established. Moreover, there was a quantity of timber lying on the ground deteriorating, and thus threatening irreparable loss to its rightful owner; and in addition to this, certain moneys had been paid on account of the Boyd contract, for the security of which some provision needed to be made pending this litigation.

It was therefore ordered * that this cause be referred to R. M. Douglas, standing master, and that he inquire into all the facts connected with the contract in issue, the circumstances under which it was made, the adequacy of the consideration therefor, the existence of any fraud or unfair dealing therein, and into any other facts pertaining to the issues involved concerning which any party to this cause might offer testimony, and that he report the same with all convenient speed to the court. It was also ordered that the Dickson-Mason Lumber Company be authorized to manufacture all the timber already cut and now lying cut on the Indian lands and to dispose of the same, upon giving satisfactory bond in the penal sum of $3,000, conditioned on a full, true, and lawful accounting, etc.; this part of the order to be without prejudice to any question made in the case. It was also ordered that George H. Smathers have leave to file a full statement of all funds and moneys held by him, as certain trust funds, and the mode of investment thereof.

## IOWAS OF KANSAS AND NEBRASKA.

When allotments were made on the Iowa Reservation in 1894 it was found that there was not quite land enough to supply all the Indians entitled thereto. The Indian appropriation act for the current fiscal year (28 Stats., p. 902) authorizes the Secretary of the Interior to negotiate with the Otoes and Missourias with a view to purchasing from them a sufficient quantity of their surplus lands to accommodate the said members of the Iowa tribe; or, to allot to the said Iowa Indians lands that have been or may hereafter be ceded to the United States by the Comanche, Kiowa, and Apache, or the Wichita tribes of Indians, the lands thus acquired for and allotted to the Iowa Indians to be paid for by that tribe.

The attention of the Department was invited to this provision of law by office letter of April 27, 1895, in which it was stated that the Indians to be provided for numbered about 20, that about 1,600 acres would be required at a probable cost of $2,000, and that in the opinion of this office it would be better to locate them with the Otoes and Missourias. It was also suggested that it would doubtless be found advisable to designate an officer of the Government, probably an Indian inspector, to conduct the necessary negotiations, because the act carries with it no appropriation for its execution.

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* For full copy of said decision see p. —.

## SALE OF TIMBER, JICARILLA RESERVATION.

The plan of selling timber on the Jicarilla Apache Reservation in Arizona, as authorized by the act of August 15, 1894 (28 Stats., 302), for the purpose of raising a fund with which to purchase stock for the Indians of that reserve, has failed. That act authorized the sale of $20,000 worth of timber, and in pursuance thereof suitable regulations to govern such sale were prepared and advertisements for bids were published in the papers of that locality. However, November 1, 1894, the acting Indian agent reported that the time fixed for opening bids had expired on the day previous, and that no bids had been received.

This outcome the acting agent attributed to the fact that the timber on the unallotted lands which it was proposed to sell was so far from the railroad that prospective bidders feared they would not have time to construct the necessary roads and remove the timber within the eighteen months provided for in the said regulations. Whether or not this was the real cause the office is unprepared to say, and is unable at present to suggest any new course by which the sale of this timber can be effected and relief brought to the Indians.

This reservation is, for the greater portion, unsuitable for agricultural purposes, and the Indians occupying it are very poor. The industry of stock raising, especially sheep, is generally a successful one in that locality, and it was hoped that with a little assistance these Indians might enter upon that pursuit and thus make progress toward self-support.

## ARREST AND IMPRISONMENT OF MOQUIS.

Certain friendly nonreservation Indians have been occupying and using lands in the vicinity of Tuba and Moencopie, Ariz., and they desired to have the same allotted to them for homes. An agent was sent among them for the purpose of assisting them in making applications for the desired lands under the fourth section of the general allotment act as amended by act of February 28, 1891. Applications were made accordingly and are before the office and the Department for consideration. About fifty other Indians, principally Moquis, went upon the lands in question, took possession of them, sowed them with wheat, and declared their intention of returning and reaping the harvest. They notified some of the allottees that they must leave their homes, committed depredations upon a certain cornfield, and gave other evidences of ill will.

October 23, 1894, I recommended that the War Department be requested to lay these troubles before General McCook, commanding the Department of Colorado, and leave it to his discretion as to whether or not a sufficient force of troops should be sent to overawe the meddlesome Moquis.

November 29, 1894, Captain Williams, U. S. A., acting Indian agent, Navajo Agency, advised the office that Capt. Frank U. Robinson, of the Second Cavalry, U. S. A., had reported to him on the 18th of that month with two troops of his regiment to assist him in restoring order among the Moquis at Oreiba; that he reached Oreiba on the 25th of November where, in the presence of troops, he delivered a brief address to the entire Indian population assembled there, commending the friendly Indians for the disposition they had shown to abandon the habits of savage life, send their children to school, take allotments of land, cultivate the soil, improve their condition, and make a start in the direction of civilization; then reciting the acts committed by the hostiles as well as other efforts made by them to deter the better disposed Indians from their laudable course.

As the hostiles refused to make promise of future good behavior, he then and there arrested and placed under guard nineteen Moqui Indians and notified them that the authorities would punish them for their depredations, their hostile acts toward the Government, and their refusal to comply with the rules and regulations of the Department.

Recommendation was made that the Secretary of War be requested to designate some military post in which these Indian prisoners should be held in confinement at hard labor until such time as in the opinion of those in charge of them they should show that they fully realized the error of their evil ways and should evince in an unmistakable manner their determination to cease interference with the plans of the Government in the civilization and education of its Indian wards. They were received as prisoners at Alcatraz Island, California, January 3, 1895, and were kept in confinement at hard labor until recently.

August 7, 1895, the War Department directed the commanding general, Department of California, to return these Indian prisoners to their reservation, and to exact from each one of them a promise of good behavior hereafter and a compliance with the rules and regulations of the Interior Department. This promise was put in writing and fully explained to them before their departure, and was thereafter transmitted to the acting Indian agent of the Navajo Agency with request to have the interpreter again explain to them what they had promised. It is to be hoped that the disciplinary measures adopted with respect to these Indian prisoners will result in good to them and their tribe.

It is interesting to note that during the entire time these Indians were confined in prison all labor assigned them was done willingly and without objection; that they were quiet in their manners, well behaved, did not seem inclined to give any trouble, and, without exception, were disposed to comply with all orders given them; also they were in good condition physically. This course led to their earlier return to their reservation than would otherwise have been the case.

## NEW YORK INDIANS.

As stated in my last annual report, provision was made in the Indian appropriation act for the year ending June 30, 1895, for the making of a thorough investigation by the Secretary of the Interior of the condition of the Indians in the State of New York, their progress in civilization and fitness for citizenship, and the propriety of allotting their lands in severalty, and also any facts touching the Ogden Land Company and its claim to lands of the Seneca Indians; report thereon to be made to Congress.

The investigation provided for was made, and the report thereon was published in Senate Ex. Doc. No. 52, Fifty-third Congress, third session. It states that whatever be the title or interest of the Ogden Land Company in these lands the claim is a cloud upon the Indian title; that it has been a serious hindrance to the prosperity of the Indians, and that it should be extinguished at once; that the company had proposed to the Secretary to relinquish its title to the lands in question at the average rate of $10 per acre, and that inasmuch as the price did not seem to be an exorbitant one—in view of the facts developed—he saw no objection to Congress authorizing the Department to negotiate for such relinquishment at not exceeding the price named. The action taken by Congress on said report, which is found in a clause in the Indian appropriation act for the current fiscal year, directs:

> That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the Ogden Land Company for the purchase of the interests said company may possess, if any, in the Cattaraugus and Allegany Indian reservations in the State of New York.
>
> He is also authorized to negotiate with the said Indians, under such rules and regulations as he may prescribe, as to the terms upon which the said Indians will consent to the United States purchasing the interest of said company in said reservations, if such interest is found to exist, and the Secretary of the Interior shall make a full report to Congress of his proceedings under this provision.

The office of commissioner to negotiate with the company and with the Indians has been tendered to and accepted by Mr. Philip C. Garrett, of Philadelphia, upon whose suggestion the Department requested the Attorney-General to cause the exact title or interest of the Ogden Land Company in the said lands to be ascertained before entering upon negotiations. This office is informally advised that the matter was referred by the Attorney-General to the United States attorney for the northern district of New York on June 26 last, with instructions to make the examination requested. As soon as his report shall have been received the necessary instructions for negotiations will be sent to Mr. Garrett, after being approved by the Department.

## EXTENSION OF PAYMENTS FOR OMAHA LANDS.

The act of Congress approved August 11, 1894 (28 Stats., 276), provided for the extension of time of payment to purchasers of Omaha lands, the consent of the Indians being first obtained. Under instructions dated December 20, 1894, Capt. William H. Beck, acting Indian agent for the Omaha and Winnebago Agency, formally presented the matter to the Indians in council, and they voted against the proposed extension and asked that the purchasers of said lands be required to make payments due, at the earliest practicable moment. This action of the Indians was, however, rendered nugatory by a clause in the Indian appropriation act for the current fiscal year, which declares:

* * * And that the like extension of one year on the first payment required to be made, when payable in installments, is hereby granted to all homestead settlers on and purchasers of all ceded Indian reservations in the States of North Dakota, South Dakota, Nebraska, Montana, and Idaho.

## READJUSTMENT OF SALES OF OTOE AND MISSOURIA LANDS, OKLAHOMA.

As stated in my last annual report, a matter of considerable moment to the Indians of this reservation was the proposed revision and readjustment of the sales of their lands in Nebraska under the act of Congress approved March 3, 1893 (27 Stats., 568). The said act having provided that no readjustment should be made or rebate allowed without the consent of the Indians thereto having been first obtained, a commission was appointed by the Department to present the matter to them for their action. Under instructions dated December 3, 1894, the commission submitted the question to the Indians in council, and reported that the Indians positively refused to entertain any proposition looking to readjustment or rebate. Negotiations with them were thus ended.

## PONY CLAIMS OF INDIANS ON PINE RIDGE RESERVATION.

Under date of August 16, 1894, the Acting Secretary of the Interior approved about 940 contracts in severalty, entered into between Indians belonging to the Pine Ridge Indian Agency, S. Dak., and Messrs. Anderson, Doan & O'Neall, attorneys of this city, by which the latter stipulate to prosecute against the United States the claims of said Indians arising under the following provision contained in Article I of the treaty of 1868 (15 Stats., 635):

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

From a list filed in this office by said attorneys setting forth in each case the property alleged to have been taken and by whom, when, and where, it appears that nearly all the claims are for Indian ponies, stolen by white horse thieves or taken from the Indians by the United States military authorites from 1873 to 1889, both years inclusive. The claims covered by said contracts aggregate about $300,000.

The work of taking testimony in connection with these claims was begun at the Pine Ridge Agency on or about September 18, 1894, and was discontinued about December 7, 1894. Mr. W. F. Millsaps, an assistant attorney for this Department, was detailed in connection with said work for the purpose of assisting the agent at that agency in taking proof and cross-examining witnesses. During that time the proofs in behalf of 421 claims were taken and forwarded by the agent to this office.

After an interim of over seven months this work was resumed on July 24 last, at Pine Ridge Agency, and the taking of testimony in the remaining cases is now in progress. Mr. O. L. Carter, a special attorney for the Department of Justice, is there as the representative of the Government, in lieu of Mr. Millsaps, and is assisting the agent in connection with the hearing of proofs and cross-examination of witnesses.

## POTTAWATOMIE AND KICKAPOO SURPLUS LANDS.

The tenth section of the Indian appropriation act for the current year authorizes the Secretary of the Interior, with the consent of a majority of the chiefs, headmen, and male adults of the Pottawatomie and Kickapoo tribes of Indians in Kansas, expressed in open council by each tribe, to cause to be sold in trust for said Indians the surplus or unallotted lands of their reservations in Jackson and Brown counties, Kans.

In office report of May 1, 1895, the Acting Commissioner suggested that before incurring any expense incident to the appointment of a commission to make the appraisement of the lands it would be well to send an inspector of the Department to lay the whole matter before the two tribes for their action. August 16, 1895, Inspector Paul F. Faison reported that all of the Pottawatomies whom he could get to attend a council for the purpose were unanimously opposed to any disposition of their surplus lands, and on the 18th of August, 1895, he made similar report as to the Kickapoos.

## PYRAMID LAKE AND WALKER RIVER INDIANS.

Senate bill No. 99, introduced in Congress at its last session, provided among other things for the relinquishment of the Indian title to the entire Walker River Reservation and to a portion of the Pyramid Lake Reservation in Nevada, and for the removal to Pyramid Lake of the Walker River Indians. It was suggested by members of the Board

of Indian Commissioners that the provisions of this bill might not be for the best interest of the Indians occupying these reservations, and the board offered to send one of its members to examine into the matter and report as to the wisdom of the proposed legislation. This suggestion was laid before the Department and the proposed investigation was authorized, and Hon. Albert K. Smiley, a member of the board, was designated to make it. From his report dated June 27, 1895, I quote the following:

I reached Pyramid Lake Reservation April 21, 1895, and very carefully inspected the lands under cultivation, the dam which diverts the water from the Truckee River and the ditches leading thereto, and the proposed new ditch to bring water from the Truckee River from a point high up in the mountains for irrigating new lands, both on the reservation and outside thereof. I also visited the Walker River Reservation and inspected their lands. I examined the improvements made at both reservations, and ascertained the views of the Indians at both reservations in regard to the proposed removal of the Walker River Indians to the Pyramid Lake Reservation.

The Indians at both reservations have irrigating ditches already constructed and large bodies of land very well fenced and under good cultivation, raising alfalfa, barley, wheat, potatoes, and other vegetables. They are increasing from time to time the acreage of cultivated land and show a very commendable zeal in making improvements. The diverting dam at Walker River Reservation is a new one and has proved a success. The diverting dam at Pyramid Lake Reservation is made of loose stones and brush, which allows much of the water to pass through it in the dry season when water is most needed. A new dam should be built at a cost of about $3,300, as recommended by Agent Wooton in a letter to the Commissioner, dated October 9, 1894. Should a new dam be constructed, the irrigating system at both reservations would be in good condition, unless new lands were brought under cultivation, which would require an extension of ditches at but little expense.

An important portion of Senate bill 99 is a scheme to build a new ditch to bring the water of the Truckee River to the reservation. An engineer, T. K. Stewart, surveyed a route for the ditch at a cost of $1,500, and made plans and estimates. This plan is made the basis of the expenditure of a very large sum by the Government. In Mr. T. K. Stewart's report to the Government, the length of the ditch is given at 45 miles and 18 chains, but the width and depth and the amount of water it will carry are not mentioned in the report. The ditch is to be an open one, without any lining of stones or cement. A large portion of the way it passes over soil composed of loose material very absorbent of water.

In my judgment, the whole river, if turned into the ditch during the dry season, would never reach the Indian reservation. The plan proposes to irrigate 17,000 acres belonging to the whites, and also the town of Wadsworth, before reaching the new restricted reservation. Mr. Stewart, in his report, estimated the cost of the ditch at $119,000, but I think this estimate is entirely too low. A serviceable ditch would cost from $200,000 to $300,000. It will be noticed that the town of Wadsworth and 17,000 acres of irrigable land belonging to the whites first receive the water of the proposed new ditch, and the Indian lands are at the extreme end of the ditch.

Even if the water of the Truckee River could be carried 45 miles—which is quite improbable—the chances of the Indians ever receiving any water from the ditch are extremely doubtful. The Indians already have a good supply of water, and the new ditch would doubtless take all the water of the Truckee River in the dry season, and thus render useless all the present ample supply of water to the reservation. This proposed ditch is entirely in the interests of the whites, and very much to the detriment of the Indians.

The Pyramid Lake Indians need all the bottom land for their own use, and this scheme is ostensibly to furnish water to irrigate dry lands upon which the Walker River Indians are to be removed.

It will be noticed that the bill requires the Walker River Indians to be removed to Pyramid Lake Reservation within one year from the passage of the bill, but does not stipulate when the ditch is to be completed to irrigate the dry land upon which they are to be removed. The Pyramid Lake Indians and the Walker River Indians are living on lands which they have occupied from time immemorial, and are well content and prosperous. The Indians at the two reservations are very hostile to each other, and most emphatically opposed to being placed together on one reservation. The Indians at both reservations are already nearly self-supporting, and are well able to take care of themselves without help, except in the education of their children. If the Walker River Indians are removed they will without doubt be rendered paupers and will have to be supported by the United States Government.

The Carson and Colorado Railroad passes through almost the entire length of the Walker River Reservation, and to obtain this privilege the railroad company agreed to allow the Indians to ride free in their cars and to transport their products free. The railroad company have been charging the Indians for carrying their products, contrary to their agreement, and have been forced to refund a part of these charges by threats of prosecution on the part of the United States Government.

It is my belief, which is shared by nearly all the people I conversed with in Nevada, that this railroad company is responsible for the attempts to remove the Walker River Indians from their valuable lands and thus free themselves from their contract and open the Indian lands to white settlers.

Pyramid Lake abounds in fish, and the Indians obtain a bountiful supply for their own use and sell a large amount to the whites. It is very important that this lake be reserved exclusively for the Indians, as it is an important element in their support. Senate bill 99 proposes to cut off all the north shore and a large portion of the west shore where nearly all the fishing is done. This would nearly destroy the Indians' fishing ground.

The town of Wadsworth is situated entirely within the Indian reservation, and white settlers, or squatters as they are termed, have gradually extended their ranches down the river toward Pyramid Lake, till now they have all the available tillable land for many miles.

Senate bill 99 proposes to restore to the public domain all the Indian land south of the north line of township No. 21, which north line is about 6 miles north of Wadsworth. Nothing is said about compensating the Indians for this land taken from them. The settlers have never paid anything to the Government for the lands upon which they have settled contrary to law. It seems to me that there should be a fair remuneration to the Indians if this land is given up.

In 1892 a commission composed of Mr. Ormsby and Mr. Morgan and one other person negotiated with the Indians for the sale of this tract (reserving 105 acres on which the school building is situated) for the sum of $25,000, to be paid in cattle. If this agreement failed to be ratified by Congress within a year it became null and void. Congress failed to ratify this agreement in time.

I had the male Indians assembled and had them vote on two propositions: First, all voted against receiving the Walker River Indians, and second, all voted in favor of renewing the agreement made with Commissioners Ormsby and others.

I think the plan of parting with these lands near Wadsworth a good one, both for the Indians, who can well spare this tract, and for the whites, who have no title to the lands they occupy.

It is desirable that all the lands between the two lakes, Pyramid and Winnemucca, be held for the Indians. All the land is already in the reservation except a small strip on the west shore of Lake Winnemucca. This is unsurveyed Government land and only a small tract has been improved, mainly by one settler, and this claim could probably be extinguished for about $2,000. One good feature of Senate bill 99 is that it puts this narrow strip in the reservation.

In Senate bill 99 it is recommended that a fence be built from the north end of Pyramid Lake at the mouth of Pahrun Creek to the north end of Winnemucca Lake to keep off white intruders and prevent collusion between whites and Indians. Cattle belonging to the whites now range freely between the lakes on Indian lands. These intruders should either be removed at once or at least as soon as the Indian cattle need it for grazing purposes. The four or five white settlers should also be removed from the west side of Pyramid Lake, and if any have just claims for improvements, as they assert, they should be allowed proper compensation.

Senate bill 99 appropriates $250,000 for building of the 45-mile ditch and for the removal of the Walker River Indians. The suggestion is made that the sale of land supplied with water from the new ditch will more than repay the Government for the large expenditure. I think the Government will never get any proper return for their large investment.

The main features of Senate bill 99 are, in my opinion, very injurious to the interests of the Government and the Indians.

The 480 Indians at Walker River Reservation have been encouraged to improve their ancestral lands, and are now happily situated. To remove them arbitrarily from their homes, to which they are greatly attached, and place them alongside another hostile band, is an outrage, unworthy of a civilized people.

I do most earnestly hope that this bill may not receive the approval of Congress.

If the Senate bill mentioned should be revived, or similar legislation be proposed, it is believed that Mr. Smiley's investigation and report will be of value in the consideration of the matter.

## SOUTHERN UTES IN COLORADO.

Since my last annual report, in which the unsatisfactory condition of these Indians was shown, their situation has somewhat improved, and there is a fair prospect of the early settlement of the long-vexed Southern Ute question. The act of Congress approved February 20, 1895 (28 Stats., p. 677), providing for allotting their lands in severalty, the sale of surplus lands, etc., has been accepted by the Indians, their consent having been obtained by a commissioner acting under instructions of April 20, 1895. The commission, which was subsequently enlarged to three persons, is now allotting land to nearly 400 members of the tribe, under instructions dated August 15, 1895, and approved by the Department August 22, 1895. The Indians who do not elect to take allotments will locate upon the portion of their present reserve west of range 13, and live there in common.

## REMOVAL OF SPOKANES.

In my report of last year I referred to the work then in progress of removing the Upper and Middle Bands of Spokane Indians to the respective reservations to which they were entitled to go, under the agreement concluded with them March 18, 1887, ratified by act of July 13, 1892 (27 Stats., 120). That work has since been finished and in a manner very satisfactory to the office. There have been removed to and located upon the Spokane Reservation, Wash., 199 Spokanes; on

the Cœur d'Aléne Reservation, Idaho, 27; on the Flathead Reservation, Mont., 107; making a total of 433. Those removed to Spokane include the Band of Enoch, 42 in number; and those to Cœur d'Aléne, Louie's Band, 37 in number, who were very reluctant to go. Houses have been built for the respective Indian families at a cost of about $200 each, and other things provided for in their agreement have been furnished as far as funds were available.

Much time, trouble, and diplomacy were required to induce the Indians to leave their old homes around the town of Spokane and in that vicinity and accept the provisions of the agreement ratified so long after it was concluded with them, and I am gratified to announce the completion of the work. Now, that the Indians have settled upon the reservations of their choice, selected homes for themselves and improved the same with the money due them, it is thought that they will make a start in the direction of self-support and general improvement, and materially better their condition.

## STOCKBRIDGES AND MUNSEES IN WISCONSIN.

The act of March 3, 1893 (27 Stats., 744), "for the relief of the Stockbridge and Munsee Indians in the State of Wisconsin," provided for two things to be done by the Government: First, the enrollment of the tribe on the basis laid down therein; and, second, the issuance of patents in fee simple to those allottees under the treaty of 1856 and the act of 1871, who have by themselves or by their lawful heirs resided continuously on their allotments. As stated in my last annual report, the enrollment provided for was completed on June 12, 1894, when the same was approved by the Department.

Before the patents called for in the law could be issued, it was necessary to ascertain what allottees have, since receiving their allotments, resided continuously on them, or, in case of the death of the original allottees, what allotments have been continuously occupied by their lawful heirs. In my report for 1894 I stated that it was my intention to have this work done as soon as a special agent of the office could be spared for that purpose. As the Indians were impatient of the delay in issuing the patents, and it was found impracticable to spare a special agent for a duty that would keep him employed so long, I determined to have the work done by the agent in charge of the Indians. Accordingly a draft of instructions to Agent Savage, directing him to proceed and identify the parties entitled to patents under the law, was transmitted for your approval November 26, 1894. Those instructions were approved November 27, 1894, and were transmitted to the agent on that date, with directions to proceed with the work assigned him.

February 11, 1895, Agent Savage was directed by this office to take no further steps to carry out the instructions relative to the identification of the Stockbridge and Munsee allottees until further orders.

This action was in pursuance of the instructions contained in Department letter of February 7, 1895, given on account of a resolution passed by the Senate January 31, 1895, as follows:

Whereas complaint is made of the result of the carrying out by the Secretary of the Interior of the act of Congress entitled "An act for the relief of the Stockbridge and Munsee Indians in the State of Wisconsin," approved March third, eighteen hundred and ninety-three: Therefore,

*Resolved*, That the Secretary of the Interior is hereby instructed to report to the Senate of the United States the names of all persons enrolled by him in pursuance of said act, and his reasons therefor; all allotments made by him and their extent, and all patents issued, if any, giving names and dates and amounts of land; and a full account of all his actions and proceedings under said act since the third day of March, eighteen hundred and ninety-three; and that all further proceedings under said act be suspended until said report is made and until further action of Congress.

On account of the volume of correspondence and records to be copied it was impracticable to reply to the resolution of the Senate before the final adjournment of the last Congress; but on March 23, 1895, I transmitted a copy of all papers in this office having any bearing on the questions on which the Senate desired information and reported all facts relating to the matter not disclosed in those papers.

The Indian appropriation act of March 2, 1895 (28 Stat., 894), contained an item affecting these Indians and their common property, as follows:

The Secretary of the Interior is hereby authorized and directed to pay to u ch of the Stockbridge Indians, per capita, as he shall find entitled under the act of March third, eighteen hundred and ninety-three, to be enrolled and to participate in the distribution one-half of the trust fund now to their credit in the United States Treasury, and heretofore appropriated, when the allotment to their lands shall have been completed.

Construing this item as "further action of Congress" on the matter within the meaning of the Senate resolution above quoted, Mr. J. C. Adams, attorney for the Indians, in a letter of March 12, 1895, to the Department requested that Agent Savage be directed to resume the work of identifying the Stockbridge allottees entitled to receive patents. On the receipt of this communication I submitted the matter to the Department, March 15, 1895, for advice whether it were not advisable, in view of the circumstances recited, to direct the agent to proceed under his instructions and complete the work. Under Department instructions of May 15, 1895, I directed Agent Savage, May 25, 1895, to resume the work of identifying the allottees under his former instructions. No report from him on that subject has since been received.

## WINNEBAGO HOMESTEADS IN WISCONSIN.

Under regulations of this Department, dated as early as February 11, 1870 (Copp's Public Land Laws, Vol. I, p. 283), Indians were allowed the privilege of making homestead entries of public lands under the general homestead laws.

The first act passed by Congress permitting Indians the privilege of the homestead law was approved March 3, 1875 (18 Stats., 420). The fifteenth section of said act extended to certain Indians the benefits of the homestead law of May 20, 1862, and the acts amendatory thereof, except that the right of commuting to cash was not given them. Section 16 confirmed all entries theretofore made by Indians under the regulations of February 11, 1870, but declared that patents thereon should issue subject to the restrictions contained in said fifteenth section.

A few Winnebago Indians in Wisconsin made homestead entries under the regulations above mentioned, and a still greater number made entries under the act of March 3, 1875, some at the La Crosse (now Eau Claire) local land office, and the balance at the Wausau local land office, Wisconsin, except perhaps two or three, which were made in the Eau Claire office.

Believing that a large number of the Winnebago Indians of Wisconsin had selected and settled in good faith upon homestead claims under the provisions of that act, and that all the Winnebagoes of Wisconsin had signified their desire and purpose to abandon their tribal relations and adopt the habits of civilized people, although in many instances they were unable to do so on account of their extreme poverty, Congress declared, January 18, 1881 (21 Stats., 316), as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a census of the tribe of Winnebago Indians now residing in Nebraska and Wisconsin to be taken; said enrollment to be made upon separate lists; the first to include all of said tribe now residing upon or who draw their annuities at the tribal reservation in Nebraska, and the second to embrace all of said tribe now residing in the State of Wisconsin.

That upon the completion of the census of the Winnebago Indians in Wisconsin, the Secretary of the Interior is authorized and directed to expend for their benefit the proportion of the tribal annuities due to and set apart for said Indians under the act of June twenty-fifth, eighteen hundred and sixty-four, of the appropriations for the tribe of Winnebago Indians for the fiscal years eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six, eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, eighteen hundred and seventy-nine, and eighteen hundred and eighty, amounting to ninety thousand six hundred and eighty-nine dollars and ninety-three cents; and the Secretary of the Interior shall also expend for the benefit of said Indians, out of the sum of forty-one thousand and twelve dollars and seventy-four cents now in the Treasury to the credit of the Winnebago tribe of Indians, and accruing under treaty appropriations for the fiscal year eighteen hundred and seventy-three and prior years, such sum as may, on the completion of said census, be found necessary to equalize the payments between the two bands on account of the payment of the sum of one hundred thousand dollars in the year eighteen hundred and seventy-two from the principal funds of the tribe to the Winnebagoes in Nebraska. And all of the said sums shall be paid pro rata to those persons whose names appear upon the census roll of the Winnebagoes of Wisconsin, heads of families being permitted to receive the full amount to which all the members of the family are entitled: *Provided*, That before any person shall be entitled to the benefits accruing under this act, it shall be made to appear that the person claiming its benefits, or the head of the family to which such person belongs, has taken up a homestead in accordance with the said act of

March third, eighteen hundred and seventy-five, or that, being unable to fully comply with the said act by reason of poverty, he or she has made a selection of land as a homestead, with a bona fide intention to comply with said act, and that the money applied for will be used to enter the land so selected, and for the improvement of the same.

Section 5 of said act provides:

That the titles acquired by said Winnebagoes of Wisconsin in and to the lands heretofore or hereafter entered by them under the provisions of said act of March third, eighteen hundred and seventy-five, shall not be subject to alienation or incumbrance, either by voluntary conveyance or by the judgment, decree, or order of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty years from the date of the patent issued therefor. And this section shall be inserted in each and every patent issued under the provisions of said act or of this act.

Thereupon an enrollment and enumeration of Winnebagoes in Wisconsin was made by the Indian Office, showing the presence there of 1,268 Indians on November 7, 1883, when the first payments were made to them.

February 28, 1890, the Commissioner of the General Land Office addressed a letter to this office relating to the failure of certain Indians of the Winnebago tribe of Wisconsin to submit final proof within the statutory period on their respective homestead entries, also giving the status of said entries as shown by the records of that office, and requesting information on the matter.

April 25, 1890, this office replied that it was about to send a special agent to ascertain the condition of the Wisconsin Winnebagoes relative to their homestead entries and reservations made for homesteads, and to facilitate his investigations the Land Office was requested to give information as far as shown by its records of the status of 360 homesteads taken up by Winnebagoes under the fifteenth section of the act of March 3, 1875, list transmitted therewith, with the lands selected set opposite their respective names; also as to the status of lands selected by 57 Winnebagoes and reserved from sale and disposal by departmental letter of January 27, 1882, a list of whom with the selections of each had been ascertained to be on file in that office; and also of the status of lands selected by 167 Winnebagoes and reserved by the decision of the Secretary of the Interior dated September 29, 1888, a list of whom was also transmitted with notation of the lands selected opposite their respective names.

January 18, 1895, the Department transmitted to this office a letter from the Commissioner of the General Land Office, dated April 19, 1892, alleging irregularities in selecting and entering lands by Wisconsin Winnebagoes and in payments of annuities to them under the agreement of January 18, 1881 (21 Stats., 315); also letters of the Commissioner of November 27, 1893, and March 27, 1894, relating to the same subjects. From the papers it appears that there are some 680 Indian homestead entries and selections in that State which need investigation.

In order to finally determine as to the disposal of each homestead entry and selection for homestead by the Indians, I designated Special Indian Agent Murphy to make investigation, and on June 14, 1895, gave him full and explicit instructions. Owing to the importance of the work and with a view of having a still more careful and thorough investigation made, I requested the General Land Office, through the Department, to detail some special agent or clerk from that office who was familiar with the public land laws and the rules of practice prescribed for the local land offices, the General Land Office, and the Department, to accompany and aid Special Agent Murphy. Accordingly, Mr. M. A. Mess, of that office, was detailed for that purpose for the period of two months. He and Agent Murphy proceeded on the 25th of June to the locality of these homesteads and entered upon the discharge of the duties assigned them.

It is hoped that this matter which has been pending so long will be put in condition for final settlement upon the receipt of Agent Murphy's report. As soon as it is received all the facts ascertained pertaining to the respective homestead entries and selections will be laid before the General Land Office with the recommendations of this office thereon.

## WISHAM FISHERIES ON THE COLUMBIA RIVER.

From time immemorial the Indians have been accustomed to fish in the Columbia River; but inch by inch they have been forced back by the whites from the best fishing grounds and not allowed to fish with the whites in common as provided in the treaty concluded June 9, 1855 (12 Stats., 951). They have borne this denial with patience, but urged that they be restored to their ancestral and treaty rights. Agents have twice been sent to investigate and ascertain the best method of settling the matter. Both agents reported that it was the duty of the Government to protect the Indians in their treaty rights to their valuable fisheries, and recommended that the attention of the United States district attorneys for Oregon and Washington be called to the existing state of affairs, in order that proceedings might be instituted in the Federal courts looking to the protection of the Indians, and with a view of enjoining encroaching parties from further interference with them.

Accordingly, this office laid all the facts in the case before the Department on February 23, 1895, cited the law bearing on the matter, and recommended that the Department of Justice be requested to take action to protect the Indians and restore to them their lost rights. The Department of Justice advised this Department May 1, last, that all the papers in the case had been forwarded to the United States attorney for the district of Washington for action. It is thought that the courts will give ample protection to these Indians when their complaints and rights are presented and fully investigated and understood.

Indian Agent Erwin, of the Yakima Agency, Wash., who recently visited the Tumwater and Wisham fisheries on the Columbia, describes finding there the celebrated "Painted Rocks" which bear the faces and figures in unfading colors of a race of people long extinct. Though the Indians have no knowledge of the people who painted these rocks, it is evident that this was a fishing ground before the confederated tribes of Yakima Indians existed, and that the ancestors of these tribes had been accustomed to fish there long before the white man appeared on the Columbia River. A part of the fishery he found inclosed with a fence of immense upright rocks, some of them weighing many tons, and how rocks of such great size were placed in their present position is a matter of wonder. As to the known length of time these Indians have been accustomed to fish at Tumwater or Wisham, Agent Erwin quotes from Lewis and Clark's History, volume 2, page 32, which describes a period prior to the year 1810, as follows:

Here is the great fishing place of the Columbia. In the spring of the year, when the water is high, the salmon ascend the river in incredible numbers. As they pass through this narrow strait the Indians, standing on the rocks or on the end of wooden stages projecting from the banks, scoop them up with small nets distended on hoops and attached to long handles, and cast them on the shore. They are then cured and packed in a peculiar manner. After having been opened and disemboweled they are exposed to the sun on scaffolds erected on the river banks. When sufficiently dry they are pounded fine between two stones, pressed into the smallest compass, and packed in baskets or bales of grass matting about 2 feet long and 1 foot in diameter, lined with the cured skin of the salmon. The top is likewise covered with fish skins, secured by cords passing through holes in the edge of the basket. Packages are then made, each containing twelve of these bales, seven at bottom, five at top, pressed close to each other, with the corded side upward, wrapped in mats and corded. These are placed in dry situations and again covered with matting. Each of these packages contains from 90 to 100 pounds of dried fish, which in this state will keep sound for several years.

He also quotes from Washington Irving's Astoria (p. 326), which speaks of a party that ascended the river in 1812, and describes this same fishery as follows:

We make especial mention of the village of Wisham, at the head of the Long Narrows, as being the solitary instance of an aboriginal trading mart or emporium. Here the salmon caught in the neighboring rapids were "warehoused" to await customers.

The Indians have used the fisheries in question as their chief means of subsistence from time immemorial. Should they be deprived of their rights their main source of support would be gone.

Very respectfully, your obedient servant,

D. M. BROWNING,
*Commissioner.*

The SECRETARY OF THE INTERIOR.

# ANNUAL REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS.

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## 1896.

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1896.

# CONTENTS.

# REPORT

OF THE

# COMMISSIONER OF INDIAN AFFAIRS.

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OFFICE OF INDIAN AFFAIRS,
*Washington, September 15, 1896.*

SIR: I have the honor to submit my fourth report, being the sixty-fifth annual report upon Indian Affairs. With no outbreak or disturbance during the year, the progress of Indians generally in education and civilization has been uninterrupted and substantial. The main effort now is, and for many years must be, to put the Indian upon his allotment, get him to support himself there, protect him from encroachment and injustice, and educate and train his children in books and industries.

## INDUSTRIES.

As a first step, so far as treaty obligations do not interfere by requiring the payment of moneys and issuance of rations or annuities, the Indians are given to understand that the Government will not feed and clothe them while they remain in idleness. Such funds as are available for the purpose are devoted to starting Indians in homes. If an Indian will go upon an allotment and work to improve it, the Government assists him in building a house, gives him a team, agricultural implements, wire for fencing, and grain for seeding, and the supervision and counsel of a practical farmer to aid him in the cultivation of his crops.

It goes further, as will appear more fully hereafter, and gives him remunerative work so far as practicable. To regular Indian employees the Government paid last year in salaries over $400,000.00, besides a still larger amount paid them for miscellaneous work and for supplies raised by themselves.



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A great diversity of crafts and industries are the outgrowth of advanced civilization and in turn become necessary to it. Without acquiring skill and dexterity in a large variety of pursuits the Indian will not hold his own among the complications of civilization in which he is rapidly becoming involved. A race without inherited aptitude for agriculture is at a disadvantage, and must take hold not only of that but of many other occupations, as individual taste and ability, native or acquired, shall direct. In glancing over reports of agents in recent years, particularly those which accompany this report, it is encouraging to note in how many different ways Indians are coming to earn their own livelihood.

Among the sources of self-support may be named hauling goods for Government and other parties, sale of grain and other farm produce raised by themselves (one enterprising Indian recently obtained the contract for furnishing corn for two Government schools), cutting hay, working on irrigating ditches, raising and sale of beef cattle, logging, cutting of cord wood, digging of gingseng root, sheep shearing, laboring as ranchmen, carrying hod, labor in construction of railroads in Arizona, etc. To this may be added sale of fish, berries, wild rice, maple sugar, and lately, in Wisconsin, frogs' legs.

Also there is perhaps too considerable as well as too easy a source of revenue from the leasing of land.

On several reservations, through the efforts of Miss Sibyl Carter, the making of "real" pillow lace has been taught Indian women, who have shown themselves to be apt learners, dexterous workers, and tasteful designers.

Another industry, noteworthy because unique, has been introduced on the Flathead Reservation, and was reported to this office as follows:

> When the Flathead Indians were preparing to go on their annual hunt some thirteen years ago, Agent Ronan suggested to one of the Indians that he bring some buffaloes across the mountains to the Flathead Reservation. The Indian acted upon the agent's suggestion, and upon his return from the hunt brought with him three buffalo calves. The Indian herded the buffaloes with his cattle for several years and then sold them to Charles Allard and Michael Pablo, who have since herded them with their stock.
>
> About two years ago Allard and Pablo purchased about 60 head of buffaloes from a party in Kansas. They have now about 150 head of buffaloes ranging upon the reservation. The buffaloes have been bred to Galloway cattle, with fair results. The advantage derived by thus breeding them to cattle is in the fur or hair, which, it is claimed, is much longer and of a much finer texture than that of the pure buffaloes.
>
> Michael Pablo is a half-breed Blackfoot. When quite young his father died, and Michael, being thrown on his own resources, came to the Flathead Reservation. At the age of 16 he was appointed official interpreter at this agency, and by rigid economy saved money enough from his salary to purchase a few head of cows. He then married, took up a ranch, and by hard work and frugality has accumulated a large drove of cattle. Pablo also ships cattle to Chicago, and derives a comfortable income from their sale.

The income of the Indians from their native manufactures, such as beadwork, gloves, moccasins, pottery, pipes, baskets, and blankets, is still considerable, but is probably diminishing.

The employment of Indians by the Government in various capacities at agencies and schools has already been alluded to, and there might also be mentioned the sums earned by Indian pupils under the outing system, which is yearly extending. For instance, the Flandreau School, in South Dakota, has just introduced it, and reports that every boy who could be spared from school during vacation was employed on neighboring farms, earning from $15 per month to $1.50 per day.

Several Indians are traders, and Indians are quite frequently employed as clerks in stores. A good many mechanics are supporting themselves at their trades. There are a few physicians, trained nurses, clergymen, and engineers, and in many other professions and occupations, here and there, Indians may be found doing good work.

## EXTENSION OF CIVIL-SERVICE RULES.

The classified service has been extended over almost every branch of the Indian work.

By direction of the President, in accordance with the third clause of section 6 of the civil-service act of January 16, 1883, the Department, March 30, 1896, amended the classification of the employees of the Department of the Interior so as to include therein "all clerks, assistant clerks, issue clerks, property clerks, and other clerical positions and storekeepers at Indian agencies and Indian schools."

Another Department order of same date amended the classification of the Indian service so as to include therein "all physicians, school superintendents, assistant superintendents, supervisors of schools, day school inspectors, school-teachers, assistant teachers, industrial teachers, teachers of industries, disciplinarians, kindergarten teachers, matrons, assistant matrons, farmers, seamstresses, and nurses * * * without regard to salary or compensation, all subject to competitive examination for original appointment." Physicians, superintendents, teachers, and matrons were already in the classified service; but all persons employed in any of the other positions named were on March 30 also brought within its limits.

May 6, 1896, the President still further enlarged the scope of the classified service by including therein "all officers and employees, of whatever designation, except persons merely employed as laborers or workmen and persons who have been nominated for confirmation by the Senate, however or for whatever purpose employed, whether compensated by fixed salary or otherwise, who are serving in or are on detail from * * * the Indian service."

Recognizing the disadvantage under which the Indian labors in competing with his more favored white brother, permission was given for the appointment of Indians, without examination or certification by the Civil Service Commission, to all positions except those of superintendent, teacher, teacher of industries, kindergartner, and physician;

and for those positions Indians could be selected upon noncompetitive examination, which should consist of such tests of fitness as should be approved by the Department and not disapproved by the Commission.

An abstract of all persons in the field in the Indian service June 30, 1896, except school employees, arranged with reference to their relations to the civil-service classification, gives the following items:

| | | |
|---|---|---|
| White persons in the classified service: | | |
| Agency employees classified by compensation— | | |
| Salary less than $720 per annum | 80 | |
| Salary $720 or less than $840 | 164 | |
| Salary $840 or less than $900 | 29 | |
| Salary $900 or less than $1,000 | 112 | |
| Salary $1,000 or less than $1,200 | 58 | |
| Salary $1,200 or less than $1,400 | 74 | |
| Salary $1,400 or less than $1,600 | 2 | |
| Salary $1,600 or less than $1,800 | 1 | |
| Salary $1,800 or less than $2,000 | 2 | |
| Salary $2,000 or less than $2,500 | 3 | |
| Salary $2,500 and over | 2 | |
| | | 527 |
| Special agents, commissioners, surveying engineers, and physician to L'Anse Indians | | 14 |
| Presidential appointments | | 11 |
| Total white persons in the classified service | | 552 |
| White persons in the unclassified service: | | |
| Confirmed by the Senate: 38 agents, 5 inspectors, 5 commissioners to Five Civilized Tribes | 48 | |
| Military officers acting as agents | 17 | |
| Physicians paid for occasional services | 3 | |
| Transportation agents | 3 | |
| Employed at agencies at compensation below classification | 12 | |
| Total white persons in the unclassified service | | 83 |
| Total white persons | | 635 |
| Indians in excepted places | | 1,356 |
| Indians in positions having salaries below classification | | 78 |
| Total Indian employees | | 1,434 |

The total of salaries paid to white persons employed at agencies was $546,670; to officials, such as inspectors, special agents, commissioners, etc., not located at agencies, $104,815. Salaries paid to Indians aggregated $258,140, nearly half the amount paid to white employees at agencies.

Whenever it has been found practicable to employ Indians it has been the policy of this office to give them the preference, and in the large majority of cases they have been found faithful and earnest, entering heartily into the work of advancing their own people. There are Indian employees at every agency except two; one of these is a very small

agency and the other has only two employees. One agency has 107 Indians employed, one has 76, another 72, two have 51, twenty-two have over 20, and nineteen have from 10 to 20 Indians on their employee rolls. Of course a large number are policemen and judges of the courts of Indian offenses, but the number holding other positions is not small, and steadily increases.

As stated, none of the above figures refer to employees in schools. Under the orders referred to the entire school service was classified, thus bringing under the operation of civil-service rules 2,070 superintendents, teachers, etc., employed in the various schools, whose aggregate salaries amounted last year to nearly one million dollars. This included 705 Indians, about 34 per cent of the total number of school employees. The statement in detail is as follows:

| | | |
|---|---|---|
| Whites in the classified service: | | |
| Salary less than $720 | 979 | |
| Salary $720 or less than $840 | 206 | |
| Salary $840 or less than $900 | 39 | |
| Salary $900 or less than $1,000 | 44 | |
| Salary $1,000 or less than $1,200 | 42 | |
| Salary $1,200 or less than $1,400 | 26 | |
| Salary $1,400 or less than $1,600 | 27 | |
| Salary $1,800 or less than $2,000 | 1 | |
| | | 1,364 |
| Whites in the unclassified service: | | |
| Confirmed by Senate | | 1 |
| Total white persons | | 1,365 |
| Indians in excepted places | | 705 |

The salaries paid white school employees amounted to $849,645. Those paid Indians amounted to $148,766. The classes graduating from the various nonreservation schools are fast furnishing material with which to fill school positions of importance and responsibility which require special training as well as aptitude. The first normal class, which was graduated last June, will be referred to hereafter.

The recognition of the merit system in the Indian service is a long step forward, and will undoubtedly elevate its standard, improve its morale, and promote its efficiency. The removal of all partisan influence from appointments will give added dignity to the positions and increase the zeal of those engaged in the work.

## APPROPRIATIONS.

The amount appropriated by the Indian appropriation act for the fiscal year 1897 is $574,254.45 less than that appropriated for the fiscal year 1896. The grand total for 1896 is $8,763,751.24, while that for 1897 is $7,189,496.79. The amount appropriated, however, for current expenses is more for 1897 than for 1896, as will be seen hereafter.

The following comparative table will show the different objects of appropriation:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1896 and 1897.*

| | 1896. | 1897. |
|---|---|---|
| Current and contingent expenses | $727,640.00 | $738,540.00 |
| Treaty obligations with Indians | 2,982,147.19 | 2,933,378.17 |
| Miscellaneous supports, gratuities | 695,625.00 | 671,725.00 |
| Incidental expenses | 82,050.00 | 84,000.00 |
| Miscellaneous | 549,903.63 | 244,588.62 |
| Support of schools | 2,056,515.00 | 2,517,265.00 |
| Trust funds, interest | 9,870.42 | ..... |
| Payment for land | 1,660,000.00 | ..... |
| Total | 8,763,751.24 | 7,189,496.79 |

As stated in my previous report, the appropriation bill for 1896 contained several items not properly belonging to the current expenses of the Indian service, the aggregate of which was $2,047,039. Deducting this from the total amount appropriated, there remained for the current expenses of 1896 $6,716,712.24.

The appropriation bill for the current year also contains a number of items outside of the regular expenses, which, while not large in themselves, foot up a considerable amount. These are items such as for the commission to negotiate with the Five Civilized Tribes, commissions to negotiate with other tribes, surveying particular reservations, payments of private claims, etc., and they aggregate $146,958.62. Deducting this from the total amount appropriated, there remains as representing current expenses of the year as contained in the Indian appropriation bill $7,042,538.17.

Comparing the two years, we have—

| | |
|---|---|
| Current expenses for 1897 | $7,042,538.17 |
| Current expenses for 1896 | 6,716,712.24 |
| Excess of 1897 over 1896 | 325,825.93 |

From an examination of the foregoing table it will be seen that this excess is more than accounted for in the item for support of schools, which was of necessity increased on account of the absorption of contract schools by the Government and the consequent extension of the Government school system.

The estimate for the fiscal year 1897 presented to Congress by this office aggregated $8,750,458.17, of which $1,660,000 was for the payment of the second installment on the Cherokee Outlet. Outside of this, therefore, the estimate was for $7,090,458.17. The amount appropriated for current expenses was $7,042,538.17, or $47,920 less than the estimates.

## EDUCATION.

Notwithstanding the great difficulties to be encountered in the development of a complete educational system for the Indians, progress in that direction during the past year has been very satisfactory. The

present system is the outgrowth of years of experience, and I have endeavored to perfect it as one of the principal means for the civilization of these people. The reservation and nonreservation schools appear to meet admirably the condition of the Indian, and to provide him with the necessary facilities for acquiring an education equal to that given the average white child. These facilities are afforded by means of the large industrial training schools located off the reservations, by boarding schools on the reservations, and by day schools situated in the immediate vicinity of the patrons. These strictly Government schools are supplemented by contract day and boarding schools, and by public schools under State and Territorial supervision.

## ATTENDANCE.

The enrollment and average attendance at the schools, aggregated and compared with the preceding year, are here exhibited for the fiscal year 1896:

TABLE 2.—*Enrollment and average attendance at Indian schools, 1895 and 1896, showing increase in 1896; also number of schools.*

| Kind of school. | Enrollment. | | Increase. | Average attendance. | | Increase. | Number of schools. |
|---|---|---|---|---|---|---|---|
| | 1895. | 1896. | | 1895. | 1896. | | |
| Government schools: | | | | | | | |
| Nonreservation boarding | 4,673 | 5,085 | 412 | 3,799 | 4,461 | 662 | 22 |
| Reservation boarding | 8,068 | 8,489 | 421 | 6,477 | 7,056 | 579 | 77 |
| Day | 3,843 | 4,215 | 372 | 2,528 | 2,848 | 320 | 124 |
| Total | 16,584 | 17,789 | 1,205 | 12,804 | 14,365 | 1,561 | 223 |
| Contract schools: | | | | | | | |
| Boarding | a3,372 | 3,499 | 127 | 2,978 | 3,108 | 130 | 38 |
| Day | 688 | 593 | b95 | 407 | 367 | b40 | 14 |
| Boarding, specially appropriated for | 1,319 | 347 | b972 | 1,185 | 322 | b863 | 2 |
| Total | 5,379 | 4,439 | b940 | 4,570 | 3,797 | b773 | 54 |
| Public day | 319 | 410 | 91 | 192 | 293 | 101 | (c) |
| Mission boarding d | 754 | 755 | 1 | 622 | 666 | 44 | 16 |
| Aggregate | 23,036 | 23,393 | 357 | 18,188 | 19,121 | 933 | 293 |

a Not including mission schools.
b Decrease.
c Forty-five public schools in which Indian pupils are taught not enumerated here.
d These schools are conducted by religious societies, some of which receive from the Government for the Indian children therein such rations and clothing as the children are entitled to as reservation Indians.

The statistics of the schools for Indian pupils among the Five Civilized Tribes and for the Indians of New York are not included in the table, as they are not supported from funds under control of this office.

The above exhibit presents a summary of Indian school work which indicates the value of the present system. There were in operation during the year 293 Indian schools, of which 223 were under the immediate and direct supervision of this office. These 223 schools show an increase of 1,205 pupils in enrollment and 1,561 in average attendance, which was largely due to the energetic and proficient work of agents, superintendents, and teachers in carrying out the policy of the Indian

Office. They have entered with heart and soul into the cause, and have ably seconded office efforts for the educational advancement of these people. A few tribes are able to report the enrollment of their entire available school population, and in several schools the average attendance has exceeded 95 per cent of the enrollment. As the school force becomes more proficient in dealing with the numberless problems continually arising in Indian schools, which are very different from those occurring in white schools, their value as educators increases in large ratio.

The steady increase in the Indian school work during a series of years is indicated in the following table:

TABLE 3.—*Number of Indian schools and average attendance from 1877 to 1896.*

| Year. | Boarding schools. | | Day schools. *a* | | Totals. | |
|---|---|---|---|---|---|---|
| | Number. | Average attendance. | Number. | Average attendance. | Number. | Average attendance. |
| 1877 | 48 | ..... | 83 | ..... | 131 | 3,508 |
| 1878 | 49 | ..... | 119 | ..... | 168 | 4,142 |
| 1879 | 52 | ..... | 107 | ..... | 159 | 4,488 |
| 1880 | 60 | ..... | 109 | ..... | 169 | 4,651 |
| 1881 | 68 | 3,888 | 106 | 4,221 | 174 | 1,976 |
| 1882 | 71 | 2,755 | 54 | 1,311 | 125 | 4,066 |
| 1883 | 75 | 2,599 | 64 | 1,443 | 139 | 4,042 |
| 1884 | 86 | 4,358 | 76 | 1,757 | 162 | 6,115 |
| 1885 | 114 | 6,201 | 86 | 1,942 | 200 | 8,143 |
| 1886 | 115 | 7,260 | 99 | 2,370 | 214 | 9,630 |
| 1887 | 117 | 8,020 | 110 | 2,500 | 227 | 10,520 |
| 1888 | 126 | 8,705 | 107 | 2,715 | 233 | 11,420 |
| 1889 | 136 | 9,146 | 103 | 2,406 | 239 | 11,552 |
| 1890 | 140 | 9,865 | 106 | 2,367 | 246 | 12,232 |
| 1891 | 146 | 11,425 | 110 | 2,163 | 256 | 13,588 |
| 1892 | 149 | 12,422 | 126 | 2,745 | 275 | 15,167 |
| 1893 | 156 | 13,665 | 119 | 2,668 | 275 | 16,303 |
| 1894 | 157 | 14,457 | 115 | 2,639 | 272 | 17,220 |
| 1895 | 157 | 15,061 | 125 | 3,127 | 282 | 18,188 |
| 1896 | *b* 155 | 15,613 | 138 | 3,508 | 293 | 19,121 |

*a* Public schools attended by Indian children included in the average attendance, but not in the number of schools.
*b* Decrease of two schools is due to discontinuance of two contract schools.

## PUBLIC SCHOOLS.

The value of State public schools is recognized by this office, and an increase in the number of Indian pupils attending them has been urged upon agents and Indian parents. Uncouth ways and strange customs raise an almost impassable barrier between the red and white children, but I am satisfied that while the process will naturally be slow, adjustment will come, and that many more white schools will take advantage of the liberal offer of the Government for coeducation of the races. The prejudice of the whites and the equal prejudice and timidity of the Indians will eventually wear off, and instead of an average attendance of only 293 Indian pupils a large number of them will before many years be found enrolled as a matter of course in the public schools in their vicinity.

The fo[illegible]untry, in the Indian schools an industrial course of study are enro[illegible]so be adopted, so as to train these youths in knowledge which [illegible]ractical utility for them in the environment in which by [illegible]nstances they are placed and doubtless will be placed for

TABLE 4.—*Pu[illegible]*

| | | | |
|---|---|---|---|
| California | No. 6 | [illegible] | |
| | No. 1 | [illegible] | |
| Minnesota | No. 13 | [illegible] | |
| Michigan | No. 14 | [illegible] | |
| | No. 1 | [illegible] | |
| | No. 36 | [illegible] | |
| | No. 67 | [illegible] | |
| | No. 90 | [illegible] | |
| | No. 91 | [illegible] | |
| | No. 94 | [illegible] | |
| | No. 104 | [illegible] | |
| | No. 105 | [illegible] | |
| | No. 14 | Boyd | |
| New Mexico | No. 1 | Bernalillo | |
| | No. 50 | do | |
| | No. 53 | do | 38 |
| Oklahoma | No. 17 | Pottawatomie | 3 |
| | No. 20 | do | 4 |
| | No. 30½ | do | 12 |
| | No. 70 | do | 4 |
| | No. 79 | do | 8 |
| | No. 82 | do | 9 |
| | No. 84 | do | 3 |
| | No. 88 | do | 8 |
| | No. 90 | do | 3 |
| | No. 83 | Kingfisher | 3 |
| | No. 42 | Blaine | 15 |
| | No. 69 | G[illegible] | 25 |
| | No. 69 | Oklahoma | 6 |
| | No. 55 | Canadian | 5 |
| Oregon | No. 32 | Lane | 3 |
| Utah | No. 12 | Boxelder | 40 |
| Washington | No. 7 | Stevens | 10 |
| | No. 57 | do | 4 |
| | No. 52 | Skagit | 12 |
| | No. 53 | do | 10 |
| | No. 32 | Yakima | 3 |
| | No. 51 | Lewis | 10 |
| | No. 87 | King | 11 |
| Total | | | 558 |

State[illegible]dian or otherwise, which overlooks that method of [illegible]n by which the great masses of our people, who do [illegible]e professions, are to be benefited must be con-

Indians, in the brief time which has elapsed [illegible]barbarism, have sufficient natural apti-[illegible]ccessfully with the white race in [illegible]th of higher collegiate train-

should receive a vigorous [illegible]alks of life.

[illegible]n added during the [illegible]nte. This school [illegible]oung women

Office. They have entered with heart and soul into the cause, ably seconded office efforts for the educational advancement people. A few tribes are able to report the enrollment of yees, enroll- available school population, and in several schools the a schools not ance has exceeded 95 per cent of the enrollment. As in the following becomes more proficient in dealing with the number tinually arising in Indian schools, which are very occurring in white schools, their value as educ ratio.

The steady increase in the Indian years is indicated in the following

TABLE 3.—*Number of Indian reservation training schools 1896.*

| Year. | | Number employees. | Rate per annum. | Capacity. | Enrollment. | Average attendance. |
|---|---|---|---|---|---|---|
| | 1, 1879 | 68 | $167 | a 800 | 802 | 741 |
| | eb. 25, 1880 | 30 | 167 | 300 | 287 | 243 |
| | Jan. 15, 1884 | 63 | 167 | 400 | 375 | 337 |
| | Feb. 20, 1884 | 42 | 167 | 350 | 226 | 206 |
| | Aug. —, 1884 | 84 | 167 | 300 | 366 | 308 |
| Kans. | Sept. 1, 1884 | 56 | 167 | 500 | 591 | 503 |
| | —, 1886 | 15 | 167 | 150 | 144 | 135 |
| | Oct. —, 1890 | 30 | 167 | 150 | 177 | 154 |
| | Oct. —, 1890 | 21 | 167 | 150 | 157 | 150 |
| | Dec. —, 1890 | 25 | 167 | 135 | 144 | 121 |
| 1877 | Feb. —, 1891 | 13 | 167 | 150 | 140 | 129 |
| 1878 Ariz | Sept. —, 1891 | 46 | 167 | 250 | 348 | 327 |
| Fort Lewis, Colo | Mar. —, 1892 | 30 | ..... | 300 | 189 | 159 |
| Fort Shaw, Mont | Dec. 27, 1892 | 34 | ..... | 250 | 213 | 185 |
| Perris, Cal | Jan. 9, 1893 | 18 | 167 | 100 | 122 | 115 |
| Flandreau, S. Dak | Mar. 7, 1893 | 17 | 167 | 175 | 171 | 150 |
| Pipestone, Minn | Feb. —, 1893 | 12 | 167 | 90 | 81 | 73 |
| Mount Pleasant, Mich | Jan. 3, 1893 | 23 | 167 | 160 | 177 | 139 |
| Tomah, Wis | Jan. 19, 1893 | 15 | 167 | 125 | 132 | 90 |
| Ramona, Santa Fé, N. Mex | July 11, 1895 | 9 | ..... | 70 | 65 | 53 |
| Wittenberg, Wis | Aug. 24, 1895 | 15 | ..... | 140 | 126 | 97 |
| Greenville, Cal | Sept. 25, 1895 | 8 | ..... | 100 | 52 | 46 |
| Total | | ..... | ..... | 5,145 | 5,085 | 4,461 |

a 1,500 with outing system.

There were in successful operation during the year 22 nonreservation boarding schools, an increase of three over the number given in the last annual report. This increase was brought about by leasing schools at Wittenberg, Wis., Greenville, Cal., and Santa Fé, N. Mex. (Ramona). For various reasons the Ramona school has been discontinued and the pupils divided among other schools. The other two were leased from their owners, who had given up contracts with the Government, and were continued with practically the same corps of employees, doing as good work as formerly.

Many of the nonreservation schools have been enlarged and more adequately fitted with modern improvements for education.

Great stress has been laid upon industrial training, and this branch of modern educative methods has been considerably developed. It is scarcely necessary to present arguments in its favor. Its advantages and the good results consequent have been amply and practically demonstrated in those communities where it has been introduced in the public schools and its incorporation into our Indian school system will undoubtedly result in equally beneficent effects. The best thought of the country has reached the conclusion, amply fortified by practical experience, that while the very best instruction should be afforded in the literary branches which are taught in the common school system

of the country, in the Indian schools an industrial course of study should also be adopted, so as to train these youths in knowledge which will have practical utility for them in the environment in which by force of circumstances they are placed and doubtless will be placed for years to come.

Any system, Indian or otherwise, which overlooks that method of industrial instruction by which the great masses of our people, who do not intend to enter the professions, are to be benefited must be condemned as unwise. Few Indians, in the brief time which has elapsed since their race emerged from barbarism, have sufficient natural aptitude and acquirements to compete successfully with the white race in those professions which are the outgrowth of higher collegiate training. Therefore, I feel that our Indian youth should receive a vigorous practical education to fit them for the average walks of life.

With this in view a commercial course has been added during the year to the facilities hitherto offered by Haskell Institute. This school has just graduated its first normal training class of two young women and five young men.

## RESERVATION GOVERNMENT BOARDING SCHOOLS.

Seventy-seven Government boarding schools were in operation upon the various reservations, whose location, capacity, and date of opening are set forth in the subjoined table:

TABLE 6.—*Location, capacity, and date of opening of Government reservation boarding schools.*

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| **Arizona:** | | | |
| Colorado River | 80 | Mar. —, 1879 | |
| Keams Canyon | 90 | - — —, 1887 | |
| Navajo Agency | 120 | Dec. —, 1881 | |
| Pima | 150 | Sept. —, 1881 | |
| San Carlos | 100 | Oct. —, 1880 | |
| White Mountain Apache | 65 | Feb. —, 1894 | |
| **California:** | | | |
| Fort Yuma | 250 | Apr. —, 1884 | |
| Hoopa Valley | 120 | Jan. 21, 1893 | |
| Round Valley | 70 | Aug. 15, 1881<br>Sept. 12, 1893 | Suspended after July, 1883, by burning of building. |
| **Idaho:** | | | |
| Fort Hall | 150 | —— —, 1874 | |
| Fort Lapwai | 250 | Sept. —, 1886 | |
| Lemhi | 40 | Sept. —, 1885 | |
| **Indian Territory** | | | |
| Quapaw | 90 | Sept. —, 1872 | |
| Seneca, Shawnee, and Wyandotte | 140 | June —, 1872 | Begun by Friends as orphan asylum in 1867 under contract with tribe. |
| **Kansas:** | | | |
| Kickapoo | 30 | Oct. —, 1871 | |
| Pottawatomie | 80 | —— —, 1873 | |
| Sac and Fox and Iowa | 40 | —— —, 1871<br>Sept. —, 1875 | Iowa.<br>Sac and Fox. |
| **Minnesota:** | | | |
| Leech Lake | 50 | Nov. —, 1867 | |
| Pine Point | 100 | Mar. —, 1892 | Prior to this date a contract school opened in November, 1888. |
| Red Lake | 60 | Nov. —, 1877 | |
| White Earth | 100 | —— —, 1871 | Building burned in February, 1895. |
| Wild Rice River | 65 | Mar. —, 1892 | Prior to this date a contract school opened in November, 1888. |

TABLE 6.—*Location, capacity, and date of opening of Government reservation boarding schools*—Continued.

| Location. | Capacity. | Date of opening. | Remarks. |
|---|---|---|---|
| Montana: | | | |
| Blackfeet | 125 | Jan. —, 1883 | |
| Crow | 100 | Oct. —, 1884 | |
| Montana Industrial | 60 | July 1, 1895 | Prior to this date a contract school opened in 1886. |
| Fort Belknap | 112 | Aug. —, 1891 | |
| Fort Peck | 160 | Aug. —, 1881 | |
| Nebraska: | | | |
| Omaha | 75 | —— —, 1881 | |
| Santee | 60 | Apr. —, 1874 | |
| Winnebago | 105 | Oct. —, 1874 | |
| Nevada: | | | |
| Pyramid Lake | 90 | Nov. —, 1882 | |
| Western Shoshone | 50 | Feb. 11, 1893 | Previously a semiboarding school. |
| New Mexico: | | | |
| Mescalero | 76 | Apr. —, 1884 | |
| North Dakota: | | | |
| Fort Berthold | 60 | Nov. 21, 1894 | |
| Fort Totten | 350 | —— —, 1874 | At agency. |
| | | Jan. —, 1891 | At Fort Totten. |
| Standing Rock, agency | 110 | May —, 1877 | |
| Standing Rock, agricultural | 100 | —— —, 1878 | |
| Standing Rock, Grand River | 70 | Nov. 20, 1893 | |
| North Carolina: | | | |
| Eastern Cherokee | 135 | Jan. 1, 1893 | Prior to this date a contract school opened in 1885. |
| Oklahoma: | | | |
| Absentee Shawnee | 70 | May —, 1872 | |
| Arapaho | 150 | Dec. —, 1872 | |
| Cheyenne | 200 | —— —, 1879 | |
| Fort Sill | 125 | Aug. —, 1891 | |
| Kaw | 60 | Dec. —, 1869 | In Kansas. |
| | | Aug. —, 1874 | In Indian Territory. |
| Osage | 180 | Feb. —, 1874 | |
| Otoe | 75 | Oct. —, 1875 | In Nebraska. |
| Pawnee | 125 | —— —, 1865 | In Nebraska. |
| | | —— —, 1878 | In Indian Territory. |
| Ponca | 100 | Jan. —, 1883 | |
| Rainy Mountain | 50 | Sept. —, 1893 | |
| Riverside (Wichita) | 100 | Sept. —, 1871 | |
| Sac and Fox | 120 | —— —, 1868 | In Kansas. |
| | | Apr. —, 1872 | In Indian Territory. |
| Seger | 125 | Jan. 11, 1893 | |
| Washita (Kiowa) | 120 | Feb. —, 1871 | At Fort Sill. Transferred with the agency to the Washita in 1878. |
| Oregon: | | | |
| Grande Ronde | 100 | Apr. —, 1874 | |
| Klamath | 125 | Feb. —, 1874 | |
| Siletz | 65 | Oct. —, 1873 | |
| Umatilla | 100 | Jan. —, 1883 | |
| Yainax | 100 | Nov. —, 1882 | |
| South Dakota: | | | |
| Cheyenne River | 130 | Apr. 1, 1893 | At new agency. At old agency school for girls opened in 1874 under missionary auspices in Government buildings; school for boys opened in 1880. |
| Crow Creek | 140 | —— —, 1874 | |
| Hope (Springfield) | 60 | Aug. 1, 1895 | Prior to this date a contract school opened in 1882. |
| Lower Brulé | 140 | Oct. —, 1881 | |
| Sisseton | 130 | —— —, 1873 | |
| Yankton | 160 | Feb. —, 1882 | |
| Utah: | | | |
| Ouray | 80 | Apr. —, 1893 | |
| Uintah | 90 | Jan. —, 1881 | |
| Washington: | | | |
| Neah Bay | 75 | July —, 1868 | |
| Chehalis | 60 | Jan. —, 1873 | |
| Okanagan (Tonasket) | 90 | —— —, 1890 | |
| Puyallup | 150 | June —, 1871 | |
| Quinaielt | 40 | —— —, 1868 | |
| S'Kokomish | 60 | Dec. 1, 1866 | |
| Yakima | 140 | —— —, 1860 | |
| Wisconsin: | | | |
| Lac du Flambeau | 160 | July 10, 1895 | |
| Menomonee | 160 | —— —, 1876 | |
| Oneida | 110 | Mar. 27, 1893 | |
| Wyoming: | | | |
| Shoshone | 150 | Apr. —, 1879 | |
| Total | 8,293 | | |

There were enrolled in these schools 8,489 pupils, with an average attendance of 7,056. The increase in enrollment of 421, and in average attendance of 579, over 1895, indicates a satisfactory and healthy condition of these schools and substantial progress, especially when comparison is made with the small increase of 337 in average attendance last year. The majority of these schools are fully equipped for both literary and industrial training, and are doing excellent work in their particular fields. The Indian as a rule looks upon the reservation school as peculiarly his own, and by a wise system of visitation on the part of the parents the school is kept in touch with the older Indians. These schools are the backbone of the Indian educational system, and their influence in uplifting the tribal life around them is wonderful. The number of these schools has been only slightly increased, as will be observed, notwithstanding the gratifying increase both in enrollment and average attendance. It has been deemed expedient to enlarge the usefulness of schools already in operation rather than to make doubtful experiments in new fields.

## DAY SCHOOLS.

It is impossible successfully to complete the education of the Indian, no matter how well his hands or head may be trained, if after the completion of that training in the boarding schools his home environment is to be such as to stifle ambition and return him to the condition from which the Government has taken him. With this thought in view, great stress has been laid upon the work of the day schools. They are situated in the heart of the Indian country, and the smoke of the little schoolhouse mingles with that of the tepee. The young and the old Indians are daily brought into contact with the teachers, who represent the white man's civilization. The day school is as much an educator of the father and mother as of the child. These teachers are required to devote a portion of their time to benefiting the older Indians in showing them the advantages of home life and the practical arts of domestic economy. Homes are made brighter, and the little child just learning the rudiments of civilization unconsciously carries home with him each day some portion of it, which the teacher further emphasizes.

Every instructor in these little schools is expected to be a missionary bearing the light of morality, cleanliness, and knowledge to the very altars of the Indian's home, and endeavoring to prepare that home for the pupil who has passed through the larger reservation and nonreservation boarding schools. There are 124 of these schools, all with the exception of eight being on reservations, and they have a capacity of 4,424 pupils, boys and girls. Noonday lunches are provided at many of them, and a limited industrial training is given.

These schools are distributed as follows:

TABLE 7.—*Location and capacity of Government day schools June 30, 1896.*

| Location. | Capacity. | Location. | Capacity. |
|---|---|---|---|
| Arizona: | | New Mexico: | |
| Moqui— | | Pueblo— | |
| Haulapai | 40 | Cochita | 30 |
| Oreiba | 40 | Laguna | 40 |
| Polacca | 40 | Santa Clara | 30 |
| Navajo— | | Zia | 35 |
| Little Water | 30 | North Carolina: | |
| Supai | 40 | Eastern Cherokee, 4 schools | 157 |
| California: | | North Dakota: | |
| Big Pine *a* | 35 | Devils Lake, Turtle Mountain, 3 schools | 150 |
| Bishop *a* | 50 | Standing Rock, 5 schools | 180 |
| Hat Creek *a* | 40 | Fort Berthold, 3 schools | 110 |
| Manchester *a* | 30 | Oregon: | |
| Mission, 11 schools | 335 | Simnasho | 30 |
| Potter Valley *a* | 50 | South Dakota: | |
| Ukiah *a* | 40 | Cheyenne River, 3 schools | 74 |
| Upper Lake *a* | 40 | Pine Ridge, 25 schools | 1,000 |
| Iowa: | | Rosebud, 21 schools | 722 |
| Sac and Fox | 25 | Washington: | |
| Michigan: | | Colville, 2 schools | 92 |
| Baraga | 40 | Lummi | 40 |
| L'Anse | 40 | Neah Bay, Quillehute | 60 |
| Minnesota: | | Puyallup— | |
| Birch Cooley *a* | 36 | Jamestown *a* | 30 |
| White Earth— | | Port Gamble *a* | 25 |
| Twin Lake | 25 | Yakima | 30 |
| Gull Lake | 30 | Wisconsin: | |
| Montana: | | Green Bay, Stockbridge | 40 |
| Tongue River | 30 | Oneida, 5 schools | 160 |
| Nebraska: | | Lapointe, 8 schools | 262 |
| Santee-Ponca | 36 | | |
| Nevada: | | Total capacity | 4,454 |
| Walker River | 30 | | |
| Wadsworth | 30 | Total number of schools | 124 |
| Fort McDermitt *a* | 25 | | |

*a* Not on reservation.

## CONTRACT SCHOOL SYSTEM.

The Indian appropriation act for the current fiscal year contains the following provision in regard to the assistance to be given by the Government to the support of schools for Indians carried on under private control, and known as contract schools:

> And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided,* That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year eighteen hundred and ninety-seven, but shall only make such contracts at places where non-sectarian schools cannot be provided for such Indian children and to an amount not exceeding fifty per centum of the amount so used for the fiscal year eighteen hundred and ninety-five. * * *

The question of reducing appropriations to these schools has always been a grave and serious one, and in all cases I have endeavored to make the reductions so that they would best subserve the interests of the Indians and work the least hardship upon those whose allowances were to be lessened. As will readily be understood, this has been a difficult matter, inasmuch as reductions had to be made contrary to the

wishes of the contractors. The following general principles were formulated as the best that could be devised to carry out the wishes of Congress and to interfere least with the educational facilities to be afforded Indian children:

1. In general cut down one-half the allowance to contract schools on reservations where the Government also has schools.

2. Reduce rates allowed all contract schools to $108 per pupil per annum.

3. Withdraw aid generally from contract schools off reservations, as the Government has a good supply of nonreservation schools and has to pay for transportation of pupils; moreover, nonreservation contract school plants can be utilized for white children.

4. Regard the provision of the law pertaining to division of aid among denominations by not reducing the number of pupils at the very few contract schools which are non-Catholic.

Following the above plan in general, with some variations according to circumstances, a total cut was made of 50 per cent of the amount allowed contract schools for the fiscal year 1895, excluding the two schools, Hampton and Lincoln, for which Congress made special appropriations. The reductions are shown in detail in the following table:

TABLE 8.—*Schools conducted under contract, with number of pupils contracted for, rate per capita, and total amount of contract for fiscal years ending June 30, 1895, and June 30, 1897.*

| Location of school. | 1895. | | | 1897. | | |
|---|---|---|---|---|---|---|
| | Rate per capita per annum. | Number allowed. | Amount required. | Rate per capita per annum. | Number allowed. | Amount required. |
| Baraga, Mich. (Chippewa boarding) | $108 | 45 | $4,860 | $108 | 30 | $3,240 |
| Bernalillo boarding, New Mexico | 125 | 60 | 7,500 | 125 | 50 | 6,250 |
| St. Boniface's boarding, Banning, Cal | 125 | 100 | 12,500 | 125 | 75 | 9,375 |
| California: | | | | | | |
| Hopland day | 30 | 20 | 600 | 30 | 20 | 600 |
| St. Turibius boarding | 108 | 30 | 3,240 | 108 | 10 | 1,080 |
| Ukiah day | 30 | 20 | 600 | ..... | ..... | ..... |
| Pinole day | 30 | 20 | 600 | 30 | 18 | 540 |
| Colville Agency, Wash.: | | | | | | |
| Colville boarding | 108 | 65 | 7,020 | 108 | 50 | 5,400 |
| Cœur d'Alene boarding | 108 | 70 | 7,560 | 108 | 60 | 6,480 |
| Crow Creek Agency, S. Dak.: | | | | | | |
| Immaculate Conception boarding | 108 | 60 | 6,480 | 108 | 30 | 3,240 |
| Grace Howard Mission boarding | ..... | 30 | 3,000 | 100 | 35 | 3,500 |
| Crow Agency, Mont.: | | | | | | |
| St. Xavier's boarding | 108 | 85 | 9,180 | 108 | 50 | 5,400 |
| Montana Industrial boarding | 108 | 50 | 5,400 | ..... | ..... | ..... |
| Devils Lake Agency, N. Dak.: | | | | | | |
| St. Mary's boarding, Turtle Mountain | 108 | 130 | 14,040 | 108 | 100 | 10,800 |
| Fort Belknap Agency, Mont.: | | | | | | |
| St. Paul's boarding | 108 | 135 | 14,580 | 108 | 70 | 7,560 |
| Graceville boarding, Minnesota | 108 | 50 | 5,400 | ..... | ..... | ..... |
| Green Bay Agency, Wis.: | | | | | | |
| St. Joseph's boarding | 108 | 130 | 14,040 | 108 | 65 | 7,020 |
| Greenville boarding, California | 108 | 40 | 4,320 | ..... | ..... | ..... |
| Halstead boarding, Kansas | 125 | 30 | 3,750 | ..... | ..... | ..... |
| Harbor Springs, Mich | 108 | 95 | 10,260 | 108 | 50 | 5,400 |
| La Pointe Agency, Wis.: | | | | | | |
| Bayfield boarding | 125 | 30 | 3,750 | 108 | 30 | 3,240 |
| Bayfield day | 30 | 30 | 900 | ..... | ..... | ..... |
| St. Mary's boarding | 108 | 50 | 5,400 | 108 | 50 | 5,400 |
| Bad River day | 30 | 15 | 450 | 30 | 15 | 450 |
| Lac Court d'Oreilles day | 30 | 40 | 1,200 | 30 | 40 | 1,200 |
| Red Cliff day | 30 | 30 | 900 | ..... | ..... | ..... |
| Morris boarding, Minnesota | 108 | 80 | 8,640 | ..... | ..... | ..... |
| North Yakima boarding, Washington | 108 | 35 | 3,780 | ..... | ..... | ..... |

TABLE 8.—*Schools conducted under contract, etc.*—Continued.

| Location of school. | 1895. | | | 1897. | | |
|---|---|---|---|---|---|---|
| | Rate per capita per annum. | Number allowed. | Amount required. | Rate per capita per annum. | Number allowed. | Amount required. |
| Osage Agency, Okla.: | | | | | | |
| Pawhuska boarding | $125 | 50 | $6,250 | $125 | 50 | $6,250 |
| St. John's boarding, Hominy Creek. | 125 | 40 | 5,000 | 125 | 40 | 5,000 |
| Pine Ridge Agency, S. Dak.: | | | | | | |
| Holy Rosary boarding | 108 | 140 | 15,120 | 108 | 125 | 13,500 |
| Plum Creek boarding, Leslie, S. Dak | 108 | 15 | 1,620 | | | |
| Point Iroquois day, Bay Mills, Mich | 30 | 20 | 600 | 30 | 20 | 600 |
| Pueblo Agency, N. Mex.: | | | | | | |
| Acoma day | 30 | 25 | 750 | | | |
| Isleta day | 30 | 30 | 900 | | | |
| Laguna day | 30 | 25 | 750 | | | |
| James day | 30 | 35 | 1,050 | | | |
| San Juan day | 30 | 22 | 660 | | | |
| Santo Domingo day | 30 | 25 | 750 | | | |
| Taos day | 30 | 20 | 600 | | | |
| Rosebud Agency, S. Dak.: | | | | | | |
| St. Francis boarding | 108 | 95 | 10,260 | 108 | 90 | 9,720 |
| San Diego boarding, California | 125 | 95 | 11,875 | 125 | 75 | 9,375 |
| Sac and Fox Agency, Okla.: | | | | | | |
| Sacred Heart boarding | 108 | 40 | 4,320 | | | |
| St. Peter's boarding, Montana | 108 | 189 | 19,440 | | | |
| Shoshone Agency, Wyo.: | | | | | | |
| St. Stephen's boarding | 108 | 65 | 7,020 | 108 | 50 | 5,400 |
| Shoshone Mission boarding | 108 | 20 | 2,160 | 108 | 20 | 2,160 |
| Tongue River Agency, Mont.: | | | | | | |
| St. Labre's boarding | 108 | 40 | 4,320 | 108 | 40 | 4,320 |
| Tulalip Agency, Wash.: | | | | | | |
| Tulalip boarding | 108 | 100 | 10,800 | 108 | 75 | 8,100 |
| White Earth Agency, Minn.: | | | | | | |
| St. Benedict's boarding (orphan) | 108 | 90 | 9,720 | 108 | 75 | 8,100 |
| Red Lake boarding | 108 | 40 | 4,320 | 108 | 40 | 4,320 |
| Hope boarding, Springfield, S. Dak | 108 | 45 | 4,860 | | | |
| Wittenberg boarding, Wisconsin | 108 | 140 | 15,120 | | | |
| Blackfeet Agency, Mont.: | | | | | | |
| Holy Family boarding | 125 | 100 | 12,500 | 108 | 50 | 5,400 |
| Clontarf boarding, Minnesota | 150 | 100 | 15,000 | 108 | 46 | 4,968 |
| Flathead Agency, Mont., St. Ignatius boarding | 150 | 300 | 45,000 | 125 | 220 | 27,500 |
| Rensselaer boarding, Indiana | | 60 | 8,330 | | | |
| St. Benedict's boarding, St. Joseph, Minn | 150 | 50 | 7,500 | | | |
| St. John's boarding, Collegeville, Minn. | 150 | 50 | 7,500 | | | |
| Kate Drexel Industrial boarding, Oregon. | 100 | 60 | 6,000 | 100 | 36 | 3,600 |
| White's Indiana Manual Labor Institute, Wabash, Ind | 167 | 60 | 10,020 | | | |
| Total | | | 410,065 | | | 204,488 |
| Hampton Institute, Virginia *a* | 167 | 120 | 20,040 | 167 | 120 | 20,040 |
| Lincoln Institution, Philadelphia, Pa. *a* | 167 | 200 | 33,400 | 167 | 200 | 33,400 |
| Total | | | 463,505 | | | 257,928 |

*a* Specially appropriated for by Congress.

Contracts have been entered into with the various schools for the amounts indicated in the above table.

The amounts allowed for contract schools, aggregated and compared with former years, are exhibited in the following table:

TABLE 9.—*Amounts set apart for education of Indians in schools under private control for the fiscal years 1889 to 1897, inclusive.*

| | 1889. | 1890. | 1891. | 1892. | 1893. | 1894. | 1895. | 1896. | 1897. |
|---|---|---|---|---|---|---|---|---|---|
| Roman Catholic | $347,672 | $356,957 | $363,349 | $394,756 | $375,845 | $389,745 | $359,215 | $308,471 | $198,228 |
| Presbyterian | 41,825 | 47,650 | 44,850 | 44,310 | 30,090 | 36,340 | ..... | ..... | ..... |
| Congregational | 29,310 | 28,459 | 27,271 | 29,146 | 25,736 | 10,825 | ..... | ..... | ..... |
| Episcopal | 18,700 | 24,876 | 29,910 | 23,220 | 4,860 | 7,020 | 7,020 | 2,160 | ..... |
| Friends | 23,383 | 23,383 | 24,743 | 24,743 | 10,020 | 10,020 | 10,020 | ..... | ..... |
| Mennonite | 3,125 | 4,375 | 4,375 | 4,375 | 3,750 | 3,750 | 3,750 | 3,125 | ..... |
| Unitarian | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | 5,400 | ..... | ..... |
| Lutheran, Wittenberg, Wis | 4,050 | 7,560 | 9,180 | 16,200 | 15,120 | 15,120 | 15,120 | ..... | ..... |
| Methodist | 2,725 | 9,940 | 6,700 | 13,980 | ..... | ..... | ..... | 600 | ..... |
| Mrs. L. H. Daggett | ..... | ..... | ..... | ..... | 6,480 | ..... | ..... | ..... | ..... |
| Miss Howard | 275 | 600 | 1,000 | 2,000 | 2,500 | 3,000 | 3,000 | 3,000 | 3,500 |
| Special appropriation for Lincoln Institution | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 | 33,400 |
| Special appropriation for Hampton Institute | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 | 20,040 |
| Woman's National Indian Association | ..... | ..... | ..... | ..... | ..... | 2,040 | 4,320 | ..... | ..... |
| Point Iroquois, Mich | ..... | ..... | ..... | ..... | ..... | 900 | 600 | ..... | 600 |
| Plum Creek, Leslie, S. Dak | ..... | ..... | ..... | ..... | ..... | ..... | 1,620 | ..... | ..... |
| John Roberts | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 2,160 |
| Total | 529,905 | 562,640 | 570,218 | 611,570 | 533,241 | 537,600 | 463,505 | 370,796 | 257,928 |

## APPROPRIATIONS FOR SCHOOLS.

The appropriations for Indian education for the fiscal year ending June 30, 1896, amounted to $2,056,515. The expenditure of this large sum was guarded with jealous care, and I endeavored in every instance to secure the maximum of results with the minimum of expense. While economy has been practiced in every branch of the school service, efficiency has not been sacrificed.

Below is a table showing the appropriations for a series of years for Indian schools:

TABLE 10.—*Annual appropriations made by the Government since the fiscal year 1877 for the support of Indian schools.*

| Year. | Appropriation. | Per cent increase. | Year. | Appropriation. | Per cent increase. |
|---|---|---|---|---|---|
| 1877 | $20,000 | ..... | 1888 | $1,179,916 | a 2.6 |
| 1878 | 30,000 | 50 | 1889 | 1,348,015 | 14 |
| 1879 | 60,000 | 100 | 1890 | 1,364,568 | 1 |
| 1880 | 75,000 | 25 | 1891 | 1,842,770 | 35 |
| 1881 | 75,000 | ..... | 1892 | 2,291,650 | 24.3 |
| 1882 | 135,000 | 80 | 1893 | 2,315,612 | .9 |
| 1883 | 487,200 | 260 | 1894 | 2,243,497 | a 3.5 |
| 1884 | 675,200 | 38 | 1895 | 2,060,695 | a 8.87 |
| 1885 | 992,800 | 47 | 1896 | 2,056,515 | a .2 |
| 1886 | 1,100,065 | 10 | 1897 | 2,517,265 | 22.45 |
| 1887 | 1,211,415 | 10 | | | |

a Decrease.

It will be observed from the above table that for three successive years prior to the fiscal year upon which we have just entered the appropriations were decreased, and this without regard to the annual increase in the average attendance at the various schools. In order, however, to meet the possible contingency that many contract schools would give up their charges when Government aid should be withdrawn, Congress for the fiscal year 1897 increased the appropriations to $2,517,265.

As was stated in my last annual report, in view of the great number and variety of Indian school plants, the present rate of appropriations can not be safely decreased without impairing the usefulness and efficiency of the service.

A glance at the table giving the dates of the organization of the various Indian schools will show that a good many years have elapsed since the majority of them were opened. A number of the larger ones were originally army posts, which were converted, upon abandonment by the military, into Indian schools. All of these require constant care and unremitting attention to maintain them fully up to the standard of the service, and the one item of repairs alone is a considerable sum. Aside from the usual wear and tear upon the buildings, in order to care for the increased attendance and to better fit them for modern educational purposes, many have been remodeled. Therefore, as intimated, to bring these plants up to the modern standard of excellence, and so maintain them, and to care for an increasing number of pupils, will, doubtless, require for several years increasing instead of decreasing appropriations.

## NEW WORK.

The total Indian population of the United States, exclusive of the New York Indians and the Five Civilized Tribes, according to the census of the year 1895, taken by this office, is 177,235, out of which, approximately, there may be said to be 38,000 children of school age. There were enrolled in schools of all kinds which report to this office 23,393 pupils, about 61 per cent of the possible enrollment of the Indian scholastic population. To gradually decrease the number of those unprovided with accommodations, an effort has been made to enlarge a number of the present plants and to establish a few others. The unschooled population can not be taken up at once, but in a few years, with liberal appropriations, it can be provided for, when the Indian Office may be congratulated in caring for all Indian youth in this country.

The schools at Warm Springs agency and Simnasho have been consolidated, and new buildings at the agency are now going up to accommodate 150 pupils. The Santee school was burned during the spring, and plans are now ready for replacing its buildings. At Yakima the new dormitory will soon be under way to replace the building burned in the

winter. Contracts have been let for a good new school plant at Red Moon Issue Station, Cheyenne and Arapaho Agency. Fort Sill school has received additional buildings, increasing its capacity to 125. A new school building for the Mescalero Apaches brings that school up to the standard of efficiency.

Contracts are being prepared for a new and adequate steam-heating plant for the school at Genoa, Nebr. An excellent system of sewerage has been provided for Salem, Oreg. New laundries at Mount Pleasant and other places supply great deficiencies. Repairs and changes of more or less extensive character have been made at a majority of the schools.

The most elaborate work of the coming school year will consist of new industrial and boarding schools for the Pine Ridge and Rosebud agencies. These will be modern, up-to-date school plants, with all the appropriate appliances. They will each have accommodations for 200 pupils, and are expected to be ready for occupancy next spring. For the new buildings modern systems of lighting, ventilation, heating, and sewerage have been adopted. High ideals worthy of imitation have been placed before the Indian, ideals which are strong incentives for him to reach out and grasp our white civilization, especially as he sees the obvious contrasts so strongly drawn. Elsewhere great attention has been given economical systems of heating, lighting, and sewerage, but with economy subordinated to efficiency.

On the Kiowa, Comanche, and Wichita reservations are a large number of children unprovided with proper school accommodations, and through their agent, Capt. F. D. Baldwin, they have practically evidenced their interest in education by appropriating $25,000 of their own money for this year to supplement an amount, as large or larger, from the Government for the erection of a modern industrial boarding school building to care for two or three hundred children. The site for this plant has been selected and plans are now being prepared so that the work may begin at an early date. Owing to the dilapidated condition of the Washita school buildings and their bad location, that school has been abandoned, and other schools on these reservations should be enlarged to meet the necessities of the children.

Recognizing the great need for better educational facilities for the Chippewas at White Earth, especially since the burning of their school building, plans for a new building at that point have been prepared, but owing to want of funds nothing can now be done toward its erection.

A number of new day school buildings on the La Pointe, Standing Rock, and other reservations have been constructed.

In place of boarding schools at Neah Bay, Chehalis, Skokomish, and Quinaielt, which from official reports appeared to be unnecessary, day schools for the current fiscal year have been substituted, which I think will, without decreasing the efficiency of the service, materially reduce expenses at all of said places. Contracts are now being prepared for the erection of several day schools with semiboarding facilities for the Navajo Indians, which will for the present meet their requirements.

Arrangements have been made for the purchase of the property of the Presbyterian Mission school at the Zuñi pueblo, New Mexico, and for the conversion of that school into a Government school.

### TRANSFERS OF PUPILS.

In making transfers of pupils from the various reservations to nonreservation schools the country has been divided into districts, and each nonreservation school allotted a specified territory. This arrangement avoids the clashing of the representatives of the various schools, and will in my judgment be a saving in the item of transportation of pupils.

### RECOMMENDATIONS.

The greatest desideratum at the majority of schools is adequate water facilities, both for sanitary purposes and for fire protection. Without an abundant supply of water, it is almost impossible properly to dispose of the sewage. Whenever it has been possible with the means at my disposal, I have endeavored to remedy these defects, but in several cases the schools were, in the first instance, located so injudiciously that to obtain water would cost almost as much as the abandonment of the plant and its reerection in a more advantageous position. In the erection of new plants this matter has been carefully canvassed, and, no matter what advantages the proposed site might have otherwise, if deficient in water it has not been selected. Hygienic conditions are of the first importance, especially as the death of one pupil at an Indian school often operates disastrously on future efforts to induce the parents in his neighborhood to patronize the school.

Most of the school buildings heretofore erected have been of wood, and the annual loss from fire as shown by the records of this office has approximated $30,000. Coal-oil lamps are largely responsible for this damage, and I am of the opinion that in the larger schools the use of electric-light plants and better water facilities will do much toward minimizing the danger from fire. The introduction into these schools of electrical plants, besides reducing the constant menace from fires, would be in direct line with the policy of this office to give the Indian a practical industrial training.

I respectfully recommend that the Phœnix (Ariz.) school be increased to at least 500 pupils on account of its favored location. For several years past this school has been unable to accommodate half of those applying for admission. The Chilocco School is as admirably situated as that at Phœnix, and its usefulness would be greatly increased by making its capacity 500 pupils. Upon the Pacific Coast either Salem or Puyallup should receive a like consideration. The enlargement of these and a few other nonreservation schools would in a measure obviate the trying climatic changes resulting from the transfer of pupils to distant schools. The highland Indians of the Southwest can not stand the humidity of other sections, while the Northern Indian also suffers by a sudden change in his environment.

## SUMMER INSTITUTES.

The institutes held for Indian school employees in the summers of 1894 and 1895 have had an excellent influence upon the Indian schools. They develop esprit du corps, kindle enthusiasm, give to all schools the benefit of the experience of each, acquaint the school workers with each other, turn them out of ruts into new lines of thought and method, and bring those outside and inside the Indian service into contact, to their mutual benefit.

The institutes have always been well attended by those living in or near the towns in which they have been held and leading persons in the vicinity have had prominent parts in the programmes. In this way the Indian school work gets into touch with what is going on outside the reservation and the outsider finds out what effort is made, what obstacles are met, and what progress is attained inside the Indian service. Thus prejudice and misunderstanding are removed, and kindly helpful interest in Indian work is encouraged or won.

During the past summer institutes have been held as follows: Lawrence, Kans., July 13 to 18; St. Paul, Minn., July 20 to 25; San Francisco, Cal., August 3 to 8. The programmes and many of the papers presented accompany the report of the superintendent of Indian schools, page —. Attention is invited to that report for detailed information as to various phases of Indian school work.

## INDIAN SCHOOL EXHIBIT AT ATLANTA EXPOSITION.

The small amount allowed for the expense of the exhibit of the Indian Bureau at Atlanta made it necessary to restrict the exhibit to the presentation of the educational side of the work of the Government among Indians. Owing to limited space assigned that Bureau in the exhibition building, the exhibit was again restricted to the work of the school rooms, sewing rooms, and shops, omitting any presentation of the methods and results of Indian school training in other [illegible] and in farming.

In the exhibit were represented 16 of the [illegible] schools, 12 reservation boarding schools, several day schools [illegible] boarding schools.

The school-room work consisted of papers [illegible] from kindergarten to algebra, together with [illegible] hand drawings, clay modeling and relief maps.

The sewing rooms and tailor shops sent [illegible] patching and darning and neatly made [illegible] trimmed) underclothing to finely finished [illegible] suits for ladies, not omitting crocheting [illegible] embroidery. Samples of lace from [illegible] Chippewas were added by Miss Sibyl [illegible]

[illegible] furnished [illegible]

blacksmith [illegible]

well-made cabinets, a miniature harrow and road scraper and a model of a ship.

The decorative effects were given by Chippewa rush mats, Navajo blankets, Pueblo pottery, framed photographs of Indian school buildings and pupils, art work by Carlisle students, and, in the windows, transparencies of scenes from Indian life. High over all hung a birch-bark canoe.

Much interest was manifested in the exhibit, and though of course it was not entered for competition, it received the award of a gold medal.

Most of the articles were returned to the respective schools, but the school-room work and enough articles to fill two large cases have been retained in this Bureau for a permanent exhibit of what is being done in the way of practical Indian education.

## INDIAN SCHOOL SITES.

In the annual report of this office for 1892 (pp. 879–897) there was given a history of the lands assigned to twenty-five Indian schools, with description of titles. Similar information was given in the annual report for 1893 (pp. 469–474) in regard to five other Indian schools. I have incorporated in the annual report for this year (pp. ——) similar information regarding the lands of the schools at Tama, Iowa; Jicarilla, N. Mex.; Wichita and Kiowa, on Kiowa Reservation, Okla., and Stockbridge, Wis.; also additional information respecting the Fort Lewis Industrial School lands in Colorado.

## MURDER OF TEACHER OF PECHANGA SCHOOL, CALIFORNIA.

September 20, 1894, Mrs. Mary J. Platt, a teacher in the Indian service in charge of the day school on the Temecula Reservation under the Mission Agency, Cal., was brutally murdered and the schoolhouse was burned over her body. Two Indians, Mateo Pa and Francisco Guavis, were arrested and tried in the United States district court, southern district of California. The latter made a confession of the crime, implicating Mateo Pa, and in his case a nolle prosequi was entered in order that he might be used as a witness against Mateo Pa; but the jury acquitted Mateo Pa and he was released.

February 14, 1896, a confession was made by one Ventura Molido, an Indian, declaring that the murder of Mrs. Platt was committed by Francisco Guavis, Francisco Rodrequiez, Daco, and himself (all Indians), after all had assaulted her. The details of the crime as stated by Molido were most revolting and showed that Guavis instigated and directed the horrible affair.

An indictment was returned by the grand jury of Los Angeles County against Guavis, Rodrequiez, and Daco, and they were tried in the criminal court of that county in May, 1896. At this trial the jury failed to agree and they were again tried in June. At this trial Molido

was convicted on his own confession and given a life sentence in the penitentiary. The others were acquitted, though Guavis, who is considered by the agent to be the principal criminal in the murder of Mrs. Platt, was convicted of another crime against the county and sent to the penitentiary for twenty years.

## FIELD MATRONS.

An increasing interest in the work of field matrons is noticeable both within and without the Indian service. From agencies where their work has been tested requests come for an addition to the number of matrons allowed, in order that one may be assigned to each large settlement or colony of Indians, and make her home a radiating center of enlightenment and refinement. Agencies which have not been favored with such an employee upon their rolls beg that the Indian women of the tribes under their charge shall not miss the help which a field matron can render in their groping attempts to acquire the arts of complicated civilized housekeeping.

It is hard to realize the magnitude of the task which confronts the Indian woman or the inadequacy of her preparation and appliances when she steps out of her tepee, which she knew how to make, and to make well, into her cabin, which is made for her, and very likely ill-made. Perhaps it has a leaking roof, or an earth floor, or scant light, and of course it has no ventilation. With the change of domicile is implied a new way of eating, sleeping, and dressing, new occupations, even new hygiene. These in turn call for implements for which neither use nor place would have been found in the former abode. In fact, much that was admirably suited to an out-of-door, roving life must be discarded in a fixed habitation, and to substitute the right thing one must have ideals and resources and experience, which the Indian woman can not be expected to possess.

As an Indian she may have had a comfortable tepee home, amply supplied with all that the family desired; as an allottee she has a bare, cheerless place, which she must transform into an attractive, well-kept, civilized home; and even the simplest of such homes must have appointments and conveniences manifold as compared with those required in an Indian lodge. What to do and what to do with, how to do it and how to get it, are the serious questions which the average Indian woman, unaided, can not be expected to answer satisfactorily, and the only Government employee provided to aid her to solve her special problems is the field matron.

These problems, however, are not confined to housekeeping and physical needs. Her influence on and plans for her children are to be such as to direct them toward paths of life which she has not known, and her own status and relations in tribe and home are to be materially modified and in many respects reversed. She will lose as well as gain

in dignity and influence (though she will gain on the whole), and in almost every way she will be required to readjust herself to conform to the conditions imposed by civilization. That the woman should keep step with the forward movement is as necessary to progress among Indians as among other nations. The need and the obstacles have always been taken into account by missionaries, but only within recent years have they been recognized by the Government.

The spirit of the field matron must be that of self-denying, self-forgetting devotion to the interests of those among whom she labors, and the work implies much of toil, hardship, wisdom, courage, and patience. For this reason I have felt that I could most readily and safely look to missionary societies to recommend persons to fill such positions; and retaining those whom I found in the service when I entered it, I have filled vacancies as they occurred, and new positions as they have been allowed by increased appropriations, with persons whom those societies could vouch for as being well fitted for such work by actual experience or by special training. The employees secured and the results obtained have fully approved this course. Now that the position has been placed under the classified service those whose experience and success have made their services valuable will have permanent tenure of office and others can be carefully selected through civil-service certification.

The appropriation for field matrons for the current fiscal year is $15,000, an increase of $5,000 over last year. As hitherto, the entire amount is devoted to paying matrons' salaries, in order to place as many in the field as the fund will allow. At some agencies equipments for the field-matron work can be supplied from other funds, but to a large extent appliances in the way of sewing materials, clothing, food for the sick, house furnishings, and occasionally means of transportation or even houses to live in, and in one case an irrigation ditch, have been generously provided by benevolent individuals or societies whose interest has been enlisted in such work and who have felt anxious to insure success to those whom they have nominated as field matrons.

As the work enlarges, new testimony comes as to its beneficence. Agency physicians acknowledge the help which a field matron gives in supplementing with advice and care their treatment of the sick; the schools owe recruits to field-matron work, direct and indirect; while temperance, good citizenship, hygiene, morality, and intelligence generally are distinctly promoted by her labors and influence.

## ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

### ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

| | |
|---|---|
| Kickapoos in Kansas | 159 |
| Pottawatomies in Kansas | 331 |
| Nez Percés in Idaho | 337 |
| Cheyennes and Arapahoes in Oklahoma | 11 |
| Poncas in Oklahoma | 627 |
| Winnebagoes in Nebraska | 4 |
| Chippewas in Wisconsin under treaty of 1854: | |
| Lac du Flambeau Reservation | 127 |
| Lac Court Oreilles Reservation | 83 |
| Bad River Reservation | 84 |
| Indians of the Round Valley Reservation in California | 601 |

Patents have been issued but not delivered as follows:

| | |
|---|---|
| Sioux Indians of the Crow Creek Reservation in South Dakota | 830 |
| Chippewas of Lac Court Oreilles Reservation in Wisconsin | 89 |

Allotments have been approved by this office and the Department and patents are now being prepared in the General Land Office for the following Indians:

| | |
|---|---|
| Southern Utes in Colorado | 374 |
| Warm Springs Indians in Oregon | 969 |
| Jicarilla Apaches in New Mexico | 845 |
| Quapaws in Indian Territory | 247 |
| Quapaws in Indian Territory (additional) | 223 |

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

| | |
|---|---|
| Sioux, Rosebud Reservation in South Dakota | 185 |
| Sioux, Lower Brulé Reservation in South Dakota | 498 |
| Yakima, in Washington | 1,866 |
| Hoopa Valley Reservation in California (partial allotments) | 395 |
| Gila Bend Reservation in Arizona | 679 |

The condition of the work in the field is as follows:

**Hoopa Valley Reservation, Cal.**—Special Agent Charles W. Turpin has completed the work as far as practicable by allotting the small tracts in the valley occupied and cultivated by the Hoopa Valley Indians. Further surveys will have to be made before the allotments to these Indians can be completed.

**Mission reservations, Cal.**—But little progress has been made during the past year in allotting lands on the several mission reservations in California. September 7, 1895, Special Agent Patton, who is engaged in the work of allotting the lands on such of the mission reservations

as have been recommended for allotment, reported that he had suspended the services of his surveyor and assistants because at that time there were no other reservations patented and ready for allotment. Before allotments in severalty can be made on any of the mission reservations a patent must be issued to the band of Indians in common for the reservation occupied by it, and before a patent can be issued the reservation and lands contiguous thereto must be surveyed by the General Land Office as public lands are surveyed.

Upon the receipt of Special Agent Patton's report the attention of the Commissioner of the General Land Office was invited by letter of September 17, 1895, to previous correspondence relative to the surveys of public lands surrounding certain of the mission reservations, and to the enforced discontinuance of allotments because of the delay in getting patents for the reservations; and he was again requested to inform this office as to the status of the surveys of public lands surrounding the Morongo, Agua Caliente, Coahuila, Los Coyotes, and Torros reservations, and as to the probable time when patents therefor might be expected, particularly for the first three named. Meantime the special agent has been engaged in correcting and revising the work of his predecessors and in correcting the work of deputy surveyors.

Much difficulty and delay have been caused by the system under which these allotments are made. After issuance of patent to the reservation the allotting agent allots the agricultural land in 10 or 20 acre tracts, the former to single persons over 21 years of age and the latter to heads of families. The tracts are irregular in shape, so as to include the scattered improvements of the Indians. The descriptions of the lots or tracts are then sent to the surveyor-general for California, who plats them in his office and computes the area of each lot, and the allotment is scheduled as lot No. — of section —, etc. The plats are then sent by the surveyor-general to the Commissioner of the General Land Office for further examination and acceptance, after which they are sent to this office. Nothing can be done with the schedules until the receipt of the plats, and the latter are very slow in reaching here.

Considerable delay has also been caused by friction between the surveyor-general for California and the deputy surveyor over the manner of making the surveys. Fortunately, however, there remain to be allotted only the five reservations named, and of them only the Agua Caliente has been patented and is ready for allotment.

The proposed exchange of lands with the Southern Pacific Railroad Company so that the Indians may secure possession of certain tracts owned by the company within the San Jacinto, Torros, and Morongo reservations, as recommended by the Mission Indian Commissioners, has not yet been effected, because neither the lands desired by the Indians nor those desired by the company have yet been surveyed.

**Klamath Reservation, Oreg.**—Special Agent Charles E. Worden is still engaged in making allotments on the Klamath Reservation. He reports that he has made 613 allotments. Owing to complications

arising out of the land grant to the military wagon roads and a claim recently made by the State of Oregon to the swamp lands within the reservation, it is doubtful whether he will be able to complete the work until these questions shall have been finally settled.

**Rosebud Reservation, S. Dak.**—The work on this reservation is making satisfactory progress under the direction of Special Allotting Agent William A. Winter. Additional surveys have recently been recommended.

**Lower Brulé Reservation, S. Dak.**—The work of making allotments in the field to the Indians of the Lower Brulé Reservation, S. Dak., was about completed when my last annual report was made; but all the schedules have not yet been transmitted to the office by Allotting Agent Winter, for the reason that he is waiting upon the surveyor-general of that State for certain plats from which to obtain the correct quantity of land contained in certain lots and fractional subdivisions in order to give the same in his schedules.

The fact that many of the Lower Brulé Sioux have removed to the Rosebud Reservation, south of the White River, will disturb the matter of allotments on the Lower Brulé Reservation, and postpone its settlement for some time to come.

**Shoshone Reservation, Wyo.**—The report of John W. Clark, dated August 22, 1896, shows that he had made to date 1,100 allotments on the Shoshone Reservation. Recommendation has been made to the Department that certain fractional and full townships within the reservation be surveyed as the public lands are surveyed, under contract with the surveyor-general of Wyoming, so that all the Indians may have allotments made to them covering the lands upon which they have settled and made improvements.

## NONRESERVATION INDIANS.

The work of making allotments in the field to nonreservation Indians was suspended temporarily by the death, November 4, 1895, of Special Allotting Agent Bernard Arntzen. February 5, 1896, the President appointed James H. Kinnane, of Kalamazoo, Mich., as his successor. Instructions prepared for the guidance of Agent Kinnane in making allotments under the fourth section of the general allotment act, as amended by act of February 28, 1891 (26 Stat. 794), were transmitted to him March 14, 1896, and he entered on duty the 25th of that month.

He was first assigned to the Duluth (Minn.) land district to investigate some 350 applications for lands there alleged to have been made by Indians in order to obtain the timber and for speculative purposes rather than for agriculture or grazing.

Claude N. Bennett is now engaged in assisting Indians in the vicinity of Susanville, Cal., to make application for allotments. Some 300 Indians in that section have asked for lands in severalty, and he will make them if the lands claimed are subject to allotment and the applicants are found to be entitled thereto.

Some years ago 19 Indians made applications for allotments on the public domain near Dayton Creek, Mont., just north of the Flathead Reservation. These lands were unsurveyed and the Indians claimed that they were within the treaty boundaries of that reservation. They were advised, however, that the reservation boundaries must conform to the official survey thereof, which segregated from the reserve the lands for which the Indians had applied. The public survey has been extended over these allotments, and they have been adjusted so as to conform to it by the agent of the Flathead Agency.

Since my last report the General Land Office has transmitted to this office about 181 new allotment applications. Some of them have already received the attention of the office and the others will be given consideration as soon as practicable.

Since that date also one schedule, embracing 606 allotments to non-reservation Indians, has been submitted to the Department for approval. These allotments were made by Special Allotting Agent Michael Piggott in 1892–93, and are distributed as follows: 379 in the Carson City (Nev.) land district, 179 in the Roseburg (Oreg.) land district, and 48 in the Humboldt (Cal.) land district.

The Secretary approved the schedule on October 22, 1895, and directed the Commissioner of the General Land Office to cause patents to issue for the lands covered thereby. June 26, 1896, the General Land Office forwarded to this office patents in favor of the several allottees whose names are embraced in the aforesaid schedule. Duplicate receipts for these patents, ready for signature, are now being prepared, whereupon the patents will be transmitted to the local land offices for delivery to the allottees.

I commented in my last annual report upon the difficulty experienced by local land officers in effecting the delivery of patents to Indians. During the past year only a comparatively small number of the patents then awaiting delivery have been delivered, although the majority of them were placed in the hands of such officers two years ago.

## CONTESTS AGAINST INDIAN HOMESTEADS.

The usual number of contests has been initiated by whites against Indian homesteads and allotments upon the public domain, and in a few instances Indians have initiated contests against whites for trespass upon and occupancy of their claims. Several times Indians have been successful in establishing their priority of right to the land involved, thus defeating the white man in his effort to get something to which he has no right or title either in law or equity.

From the frequency of the contests it would seem that Indian lands have a peculiar attraction for a certain class of white men. They seek the home of an Indian because they apprehend that the land contains valuable minerals, water facilities, timber, or a soil better adapted to

the purposes of agriculture or grazing than other portions of the surrounding country. This is the case not only with Indian homes upon the public domain, but also with Indian reservations upon which they too often trespass for prospecting and grazing.

I think it fitting to mention the fact that Hon. William H. Brinker, United States attorney for the district of Washington, has rendered this office and the Indians valuable assistance in these contests, and particularly in those initiated by the Northern Pacific Railroad Company. This company has recently made a most determined and persistent effort to contest the claims of Indians to lands within its grant or indemnity limit, no matter how long the Indians may have been in occupancy and possession, nor what priority of rights they may have. With the consent of the Department, the company has the right under the law to exchange lands held by Indian occupants, and to take other lands in lieu thereof; but in many cases it has declined to do so.

## OPENING OF CEDED LANDS.

The ceded lands within the Nez Percés Reservation in Idaho were opened to settlement November 18, 1895, by proclamation of the President, dated November 8, 1895.

## IRRIGATION.

**Crow Reservation, Mont.**—In a report dated September 1, 1896, Superintendent Graves gives the following summary of the work on this reservation, which was commenced in May, 1891 (see Annual Report for that year, p. 50):

Since I have been in charge, in the construction of these ditches, we have excavated and handled nearly 800,000 cubic yards of earth, gravel, and rock. We have constructed more than 100 miles of ditch channel, and water is flowing through most, if not all, of this channel at the present time, covering and supplying with irrigation from 20,000 to 25,000 acres of land.

About 65 per cent of the work has been done by the Indians, and from 10 per cent to 15 per cent of it by the whites intermarried with them. The remainder has been done by skilled white labor.

We have framed and placed in structures of various sorts over 300,000 feet of lumber and have laid 850 cubic yards of cement masonry in foundations, retaining-walls, etc. All of these ditches have been made unusually strong and durable. I feel certain that every dollar expended has an equivalent in useful and enduring structures, which exist to declare for themselves.

Since the commencement we have drawn from the funds set apart for this work $257,599. Of this amount $203,712 has been expended for labor and $26,657 for material and transportation of same. Forage and other expense have cost about $11,250, and we have on hand at the present time about $8,000, which, however, will be all expended before the close of the present month in payment of wages, material, forage, and other necessary expenses in connection with the work now in course of construction.

The work planned for the future is the completion of the East Big Horn ditch. Nothing beyond this is contemplated so far as I am informed.

As to Big Horn ditch, he reports as follows:

Ditch No. 7 is the largest ditch yet undertaken, and is intended to irrigate the lands along the east side of the Big Horn River.

The head of the canal is located at the foot of the Big Horn Canyon, and directly against the mountain. The ditch is to extend down the valley some 35 miles, and is expected to irrigate from 33,000 to 35,000 acres of land. The location, plan, and estimate of cost of this canal, has been fully set forth in a former report.

We have been at work upon it now almost eleven months. One section, about 2½ miles in length, is almost completed, and another section of 2 miles has about 85 per cent of the work done. These sections lie at the head of the ditch, and constitute, with the exception of about 1 mile more of heavy work, the most difficult and expensive portion of the ditch. As soon as the work we are now engaged upon is finished the further construction will be comparatively light and inexpensive for such a large canal. During the time that we have been at work upon it we have excavated 234,000 cubic yards, of which 16,000 yards have been solid rock, which required blasting to remove, and 139,000 yards were cemented gravel and drift, which had to be excavated by hand labor, with pick and shovel.

This piece of work has been a most arduous and difficult undertaking, considering the character of the labor and equipment at our disposal. Under the circumstances and conditions surrounding it, and the nature of the agreement under which it is executed, I am prosecuting this work as rapidly as it is possible to do so, for I am exceedingly anxious to complete it.

**Fort Hall Reservation, Idaho.**—The plan of constructing a system of irrigation upon the Fort Hall Reservation, under a superintendent employed by the Government, as contemplated by Department decision of October 3, 1895, was not considered feasible, because it was found impracticable to obtain a sufficient water supply on this reservation, owing to prior appropriations of water. Therefore, on November 15, 1895, advertisements were authorized for proposals for furnishing a water supply.

As a result of this advertisement the proposal of the Idaho Canal Company, which was the only one conforming in all respects to the conditions specified, was accepted. A contract was executed by the company January 13, 1896, and by the Secretary January 25, 1896.

Under this contract the company undertook to construct and complete a canal from and having its head in Snake River at some point at or near the town of Basalt, to the Blackfoot River; to construct a canal from said Blackfoot River by the highest practicable route to Ross Fork Creek, said line to be shown by a map of definite location, subject to the approval of the Secretary of the Interior, the water to be carried across and over the Blackfoot River by a flume; and to furnish in perpetuity from said canal, at such points as might be designated by the Secretary of the Interior, 300 cubic feet of water per second during the irrigation season of each year.

The company also stipulated to extend the canal beyond Ross Fork Creek to such extent as might be necessary to supply water to the main portion of the body of lands lying between Ross Fork Creek and Port Neuf River as soon as there might be a demand or the lands be opened for settlement, and to convey perpetual water rights for $5 per

acre, with an annual maintenance charge of 75 cents per acre. The additional quantity of water required for this purpose was estimated at 300 cubic feet per second.

The consideration for the construction of the canal and the delivery of the 300 cubic feet north of Ross Fork Creek was $90,000, with an annual maintenance charge of $15 per cubic foot. The terms of payment were as follows:

The United States will pay or cause to be paid to the contractor the amount agreed upon, as follows:

One-half upon the delivery of 100 cubic feet of water per second at some point or points to be designated by the Commissioner of Indian Affairs, and to be not more than 4 miles south from the Blackfoot River, such delivery to be not later than the 1st day of June, 1896.

One-fourth of the entire amount upon the delivery of 100 cubic feet of water per second additional at a point to be designated by the Commissioner of Indian Affairs, such designated point to be at or near the crossing of the proposed canal and Ross Fork Creek, which delivery is to be made at or before the beginning of the irrigation season next succeeding the date of the first payment, provided that such delivery shall not be required earlier than three months from the date of such first payment and shall not be later than one year from such payment.

The remaining one-fourth to be paid upon the delivery of the 100 cubic feet of water per second necessary to include the entire amount of 300 cubic feet of water per second, but not before the expiration of one year from the date of the second payment.

January 25, 1896, the Secretary approved the map of the definite location of the company's canal—

For its line into the town of Pocatello, upon the Fort Hall Indian Reservation, as granted by the Department of the Interior by letter from George Chandler, Acting Secretary, to the Commissioner of Indian Affairs, under date of July 1, 1891, and a letter and telegram from T. J. Morgan, Commissioner of Indian Affairs, under date of July 4 (3), 1891.

May 15, 1896, the engineer employed by the Fort Hall agent to superintend the construction of laterals, etc., suggested to this office certain changes in the construction of the canal, which, he believed, would result in greater stability and a considerable saving to the Government in the construction of laterals, etc. His recommendations were indorsed by Inspector John Lane and Agent Teter. June 25, 1896, the Department informed this office that without further information and additional expert testimony as to the advisability of the change recommended, it was of the opinion that the construction should proceed upon the lines laid down in the contract with the company. July 15, 1896, the president of the company addressed a communication to the Department, urging a modification of the contract in accordance with the suggestions of Engineer Mitchell, upon which this office made report July 29, 1896.

Subsequently Mr. A. P. Davis, of the Geological Survey, was detailed to make a thorough investigation of the matter. His report has not yet been received.

**Miscellaneous.**—The greater portion of the appropriation of $30,000 for irrigation on Indian reservations for the fiscal year 1896 has been expended on the Uintah, Mission, San Carlos, and Western Shoshone reservations.

In my last annual report I emphasized the recommendation of my predecessor for the appointment of some suitable and competent man to superintend the work of irrigation construction, and in special reports urged upon Congress at its last session the necessity for legislation authorizing the appointment of such superintendent. The only legislation obtained in this direction was a provision that $2,700 of the appropriation for irrigation might be used for the temporary employment of persons of practical experience in irrigation work at a compensation not to exceed $75 per month each, and that not exceeding $1,500 might be used for their necessary traveling and incidental expenses.

When it is considered that a foreman in charge of laborers is paid $75 per month, and that a competent irrigation engineer commands from $2,0 0 to $3,000 per annum, it will be readily seen that this provision will afford no relief. What is needed is an engineer of experience in irrigation work who is competent to plan and construct a system of irrigation, and to investigate and report upon recommendations made by agents for the expenditure of funds involving new construction. It is not possible to procure the services of such a man for less than $2,000 per annum. The amount appropriated ($4,200) would be more than sufficient for the employment of such an engineer, but the limitation of $75 per month makes it of no avail. I earnestly hope that Congress at its next session will provide for a superintendent of irrigation in accordance with the repeated recommendations of this office and the Department.

## COMMISSIONS.

**Crow, Flathead, Northern Cheyenne, Fort Hall, Uintah, and Yakima.**—The Indian appropriation act for the current fiscal year authorizes the appointment by the Secretary of the Interior of a commission to consist of three persons, not more than two of whom shall be of the same political party and not more than one of whom shall be resident of any one State, to negotiate with the following Indians, viz: The Crow and Flathead Indians in Montana for the cession of portions of their respective reservations; the Northern Cheyennes and Crows for the removal of the Northern Cheyennes from their present reservation on the Rosebud River to the southern portion of the Crow Reservation; the Indians of the Fort Hall Reservation in Idaho, the Uintah Reservation in Utah, and the Yakama Reservation in Washington, for the surrender of any portions of their respective reservations, and for such modification of existing treaties with them as may be deemed desirable by the Indians and the Secretary of the Interior; any agreement thus negotiated to be subject to ratification by Congress.

Under this authority Messrs. John B. Goodwin, of Georgia, Charles G. Hoyt, of Nebraska, and Benj. F. Barge, of Washington, have been appointed commissioners. Instructions for their guidance in the discharge of their duties were submitted to the Department August 29, 1896, and approved August 31, 1896.

**Chippewa Reservations, Minn.**—The annual report of this office for 1890 gives an account of the negotiations with the Chippewa Indians of Minnesota for the cession and relinquishment of certain of their lands, in accordance with the provisions of the act of January 14, 1889 (25 Stat., 642). In annual reports for the following years will be found statements of the progress of the work from year to year.

The commission now consists of but one member. The Indian appropriation act of June 10, 1896 (29 Stat., 326), provided that from that date the duties imposed upon the three commissioners by the act of January 14, 1889, should be performed by one commissioner to be designated by the Secretary of the Interior. On June 18 the Secretary of the Interior designated M. R. Baldwin, the former chairman, as the commissioner to continue the work.

The following are itemized statements of the disbursements of the commission, and work accomplished by it, from September 1, 1895, to September 1, 1896:

*Disbursements of the commission for above period.*

| | |
|---|---|
| Salaries and expenses of the commission | $12,161.80 |
| Expenses of allotting lands, salaries of allotting agent and surveyors | 4,317.92 |
| Salaries of regular employees, 1 clerk, 1 interpreter, 1 scaler, 1 teamster, 1 farmer, and 1 tinsmith | 2,950.00 |
| Salaries of irregular employees, in issuing rations, receiving supplies, etc | 58.50 |
| Paid for freight from White Earth to Pine Point for issue | 18.10 |
| Rent of warehouse at White Earth and offices in the field | 130.00 |
| Building houses for removal Indians | 120.00 |
| Breaking land for removal Indians | 9.00 |
| Expenses of team, repairs to harness, etc | 136.10 |
| Office expenses, blanks, wood, lights, etc | 85.35 |
| Expenses protecting lumber from fires | 19.50 |
| Traveling expenses of allotting agents and surveyors to and from their work | 332.28 |
| Subsistence supplies (open-market purchase) | 2,269.54 |
| Purchase of hardware, agricultural implements, etc., for removal Indians | 378.64 |
| Expenses incurred in support of Indians during councils | 39.52 |
| Total disbursements | 23,026.25 |

*Allotments made during the above-named period.*

| | |
|---|---|
| White Earth Reservation | 301 |
| Leech Lake Reservation | 594 |
| Cass Lake Reservation | 15 |
| Winnibigoshish Reservation | 180 |
| To Pillager Indians on ceded lands | 285 |
| Boise Forte Reservation | 680 |
| Grand Portage Reservation | 304 |
| Total number of allotments | 2,359 |

In addition to the above, 148 changes in allotments were made on the White Earth Reservation.

During the year two houses were erected for removal Indians at a cost of $60 each for labor, exclusive of cost of material.

**Blackfeet and Fort Belknap.**—My last annual report noted the fact that a commission had been appointed and instructed to negotiate with the Indians of the Blackfeet and Fort Belknap reservations for the cession of a portion of their lands.

The commission concluded an agreement September 26, 1895, with the Blackfeet Indians, whereby they ceded a portion of their reserve, estimated to contain 800,000 acres, for the sum of $1,500,000. That agreement was ratified by the act of Congress approved June 10, 1896, section 9 of which provides that the ceded territory, after being surveyed, shall be opened to settlement under the mineral land laws only.

The commission also concluded October 9, 1895, an agreement with the Indians of the Fort Belknap Reservation by which they ceded about 40,000 acres of their reserve for the sum of $360,000. This agreement was also ratified by the act of June 10, 1896, section 8 of which provides for the making of the necessary surveys and for the opening of the ceded lands to settlement under the mineral-land laws of the United States. The ceded lands of this reservation are said to contain large quantities of gold. June 13 last recommendation was made to the Department that action be taken by the General Land Office with respect to the required surveys.

**Puyallup.**—The Indian appropriation act approved June 10, 1896, contains the following clause relative to the Puyallup Commission:

> For completing the work of the Puyallup Indian Commission appointed under the act of March third, eighteen hundred and ninety-three, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Washington, as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, and for the purpose of defraying the expenses of said commission, four thousand dollars, to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands, as provided in said act, to be immediately available, and said commission shall conclude its work and terminate on or before the first day of December, eighteen hundred and ninety-six.

It is not thought probable that this commission will be able by the 1st of next December to sell all of the agency lots and the portions of

allotted lands to which consent of sale has been given by the allottees and heirs of deceased allottees.

It has not met with the success expected in the prosecution of similar work provided for in the act of March 3, 1891 (26 Stats. L., 612), on account of much violent opposition from certain half-breeds and interested whites and owing also to the depressed financial condition of the country.

With reference to the work of the commission, I quote the following extracts from report of Mr. James J. Anderson, to this office dated July 23, 1896:

The fact is that with the conditions and surroundings it has been an impossibility to make a complete success of the work laid out for the commission. We have hoped that times would improve and that we would be able to find purchasers for the land, but instead of improving the situation seems to have grown worse. As it is we have accomplished much more than was considered possible for us to accomplish when we came.

In the first place, we found that the minds of the Indians had been prejudiced against us, and instead of being ready to have their lands sold according to the provisions of the law, as we had expected, we found them almost to a man bitterly opposed to it. The law itself we found to be vague and uncertain in several important details. Important points had to be settled before we could know how to proceed, and this necessarily consumed a great deal of time. The law was drawn evidently with the idea that the land was owned by the head of the family, whereas it was decided by the Department that it was owned by all those named in the patent. This added immensely to the difficulty of getting the consent of owners to sale of the lands.

In spite of the most persistent and unscrupulous opposition of a gang of white men, aided by some of the Indians, we obtained the consent of the majority of the Indians to sale of the agency tract, and after having same surveyed and platted we proceeded to sell same together with a small part of the allotted lands. We found it impossible to make any large sales. We attempted to reach Eastern investors through their agents here and also by advertising, but without avail.

The Indians were imbued with the idea that if they consented to sale of their allotted lands the money would be sent away to Washington and that they would never get it back. It was a long time before we could give them any assurance that their money would be paid to them as soon as practicable, the law simply providing that it might be paid to them at the discretion of the Secretary of the Interior, and being very ambiguous in regard to whether or not more than one-tenth could be paid them in any one year. They waited to see whether those whose allotted lands were first sold would get their money. This was a long time coming and caused more delay.

When they finally began to give consent to sale of their allotted lands they wanted them appraised at figures that made sales out of the question. These are a few of the many things that have made our progress very slow and unsatisfactory. I do not wish to weary you by going through the whole list, but I mention these to show that they are in their nature things that we could not control.

If people here had any money we could sell lands and lots, but the financial stringency here is something terrible. As it is, we are selling small quantities of land from time to time, as you can see from our reports. Choice tracts of agricultural land sell readily when the appraisements are reasonable, but the hill land (which will cost from $75 to $125 per acre to clear) can hardly be sold at any price. It might be that if we should advertise that the commission will soon be recalled and that there would be no opportunity to purchase these lands afterwards, it might have the effect of stimulating sales.

It should not be understood that because sales are not being made in large numbers there is nothing for the commission to do. Many prospective purchasers come in to inquire about land, and a great deal of time is occupied in explaining and showing them the different tracts for sale. But the most of our time is taken up by the Indians. They come every day and with all sorts of grievances. Those for whom we have sold no land come day after day to know if we have made sales for them, and those whose lands have been sold come even more frequently and more persistently to know when their money is coming. They complain very bitterly of the long delays in getting their money after the land has been sold. While I have been writing this seven or eight have been in to ask if "their money has come yet," and it is usually necessary to advance small sums to them.

They come with all the numerous disputes that arise between themselves in regard to the possession of their lands, about their crops, about debts that they owe and claims that they want to collect, and a great many other matters that are literally too numerous to mention. Many of these matters are in no way within the province of the commission, but the Indians can not be made to comprehend that. They think that we are here to attend to all of their affairs. It is nothing unusual to have 25 or 30 of them come into our office in one day, and each one has some matter that must be talked over with him. There is one now in this office talking to me about some land on the Skokomish Reservation that he wants to get, and I am trying to make him understand that we have nothing to do with the Skokomish lands.

I mention these things to give you an idea of how a large portion of my time is occupied.

* * * * * * *

A considerable portion of my time this week has been occupied in preparing for the ejectment suit of Old Peasup against Louis LeClaire, which, you may remember, was commenced by your instructions. I am informed that LeClaire, in order to hold possession of the land, will plead that he has a lease from Old Peasup that runs until next March. I am satisfied that the said lease is a forgery, but whether we can show that fact to the satisfaction of the court is questionable. They will show a lease that on its face is regular. This is but one of the desperate and unscrupulous measures resorted to by those who are opposing us. These Indians lease their lands indiscriminately, without asking the approval of the Indian Bureau. This has been the practice for years, although its legality is, to say the least, doubtful.

This letter might be continued indefinitely in similar strain, but no doubt its length has already wearied you. Therefore I will only say further that while the work of this commission may be disappointing, there have been no efforts lacking on our part to make it successful. If it has not been successful, it has been because complete success has been impossible under the circumstances.

I do not think that it would be wise at once to discontinue the commission. There is a certain amount of unfinished work on hand which needs its attention, even if no new work is done by it. I may add that one member thereof was relieved from duty some time ago, for the reason that it was not thought necessary to keep a full commission in the field, most of the work provided for in the said act of March 3, 1893, having been accomplished except the making of sales of land and the execution of deeds for the lands sold.

## LEASING OF INDIAN LANDS.

Previous reports have cited the laws under which Indian lands are leased. The regulations relating to leasing will be found on page 421 of report for 1894.

**Unallotted or tribal lands.**—Since the date of the last annual report the following leases of tribal lands have been approved:

*Crow Reservation, Mont.*—In the annual report for 1895 will be found a list of five leases on this reservation, each for the period of five years from June 30, 1895. Since that date one additional lease has been executed in favor of the Granger Cattle Company for range No. VI for the period of four years from June 30, 1896. Estimated area, 30,000 acres; annual rental, $7,650. The lease was approved August 24, 1896.

*Kiowa and Comanche Reservation, Okla.*—Fourteen leases, each for the period of one year from April 1, 1896, at the uniform rate of 6 cents per acre. They are described as follows:

| Name of lessee. | Acres. | Annual rental. | Name of lessee. | Acres. | Annual rental. |
|---|---|---|---|---|---|
| D. Waggoner & Sons | 18,000 | $1,080.00 | D. Waggoner & Sons | 502.490 | $30,149.40 |
| John W. Light | 20,000 | 1,200.00 | Do | 25,000 | 1,500.00 |
| John R. Stinson | 33.700 | 2,022.00 | John Nestell | 830 | 49.80 |
| E. C. & J. D. Sugg | 342.638 | 20,558.28 | Francis E. Herring | 15,000 | 900.00 |
| Samuel B. Burnett | 287,860 | 17,271.60 | Deitrick & Woodward | 5,000 | 300.00 |
| William A. Wade | 74,880 | 4,492.80 | Clark & Cox | 25,000 | 1,500.00 |
| Wilson & Silberstein | 100,343 | 6,020.58 | James Myers | 7,000 | 402.00 |

*Omaha and Winnebago reservations, Nebr.*—Thirty-one farming and grazing leases on the Omaha Reservation, and 26 on the Winnebago Reservation, each for the period of one year from March 1, 1896. They are described as follows:

| Lessee. | Acres. | Annual rent. | Lessee. | Acres. | Annual rent. |
|---|---|---|---|---|---|
| OMAHA RESERVATION. | | | WINNEBAGO RESERVATION. | | |
| Asbeary G. Weaver | 231.89 | $57.97 | Gottfried Fuchser | 80 | $65.00 |
| Christopher Tyndall | 40 | 10.00 | Alfred J. Anderson | 40 | 12.50 |
| Eugene Fontenelle | 80 | 20.00 | Swan E. Renando | 120 | 60.00 |
| George Chamsey | 80 | 80.00 | Joseph E. Blenkiron | 403.52 | 193.52 |
| John McTaggart | 1,443.80 | 360.95 | John B. Cary | 269.02 | 72.50 |
| Do | 220 | 110.00 | William Regan | 40 | 40.00 |
| Joseph P. Mitchell | 80 | 27.50 | Emil Magneson | 160 | 100.00 |
| Sioux Solomon | 40 | 10.00 | Garrison Bare | 40 | 20.00 |
| Mary C. Lewis | 80 | 20.00 | James Monier | 520 | 130.00 |
| Sidney M. Young | 160 | 200.00 | Anna Mix Payer | 40 | 10.00 |
| Jacob Peters | 80 | 30.00 | Cornelius J. O'Connor | 80 | 50.00 |
| James Hamilton | 40 | 10.00 | Ernest J. Smith | 120 | 40.00 |
| Jay F. Dodd | 170 | 75.00 | John Ashford | 40 | 20.00 |
| Silas Wood | 120 | 30.00 | Nels Tolstrop | 40 | 10.00 |
| Walter W. Peters | 80 | 40.00 | Oscar Bring | 320 | 180.00 |
| Clarence Peters | 40 | 10.00 | Josephus Farrens | 77.63 | 30.00 |
| Fried Russelman | 160 | 40.00 | Swan J. Larson | 600 | 150.00 |
| Guy T. Graves | 293.35 | 73.00 | Frank Rejman | 40 | 30.00 |
| Elisha J. Tadlock | 160 | 200.00 | Swan E. Renando | 120 | 30.00 |
| Josiah Sumner | 55.35 | 41.51 | Henry Madison | 40 | 10.00 |
| Nathan Kelley | 40 | 30.00 | Thomas E. Leeper | 40 | 30.00 |
| Rosalie Farley | 9,630 | 2,407.50 | Lora M. Waggoner | 80 | 20.00 |
| Harmon Barber | 40 | 20.00 | Fred Reidler | 199 | 157.00 |
| Abbie F. Nichols | 160 | 200.00 | Joseph Corey | 80 | 20.00 |
| Ira H. Cary et al. (Granger Stock Co.) | 4,073.13 | 1,018.28 | John B. Porter | 80 | 24.00 |
| Simpson Stabler | 40 | 10.00 | Nick Fritz | 1,200 | 300.00 |
| Thomas M. Senter | 255.43 | 110.00 | | | |
| Lee Parker | 31 | 23.25 | | | |
| John A. Spainhourd | 160 | 40.00 | | | |
| B. T. Hull & Sons | 240 | 300.00 | | | |
| John H. Mullin | 65 | 65.00 | | | |

In addition to the above, one five-year lease for farming purposes on the Omaha Reservation and one five-year lease for farming purposes

on the Winnebago Reservation have been approved—the first in favor of Mrs. Rosalie Farley, a member of the Omaha tribe, for 12,002 acres, at an annual rental of $6,001.09 for the first three years and $9,001.03 per year for the remaining two years; the other in favor of Nick Fritz, for 2,240 acres, at an annual rental of $1,120 for the first three years and $1,680 per year for the remaining two years.

The following leases have not yet been acted upon:

| Lessee. | Acres. | Annual rent. | Lessee. | Acres. | Annual rent. |
|---|---|---|---|---|---|
| OMAHA. | | | WINNEBAGO. | | |
| Lee Parker | 40 | $10 | John McKeegan | 600 | $200 |
| William Martin | 80 | 20 | Henry Madison | 40 | 10 |
| John R. Latta | 480 | 220 | John Bare | 76 | 38 |

*Osage Reservation, Okla.*—The last annual report mentions the existence of 34 grazing leases on this reservation, each for the period of three years from April 1, 1893, at the uniform rate of 3½ cents per acre per annum. These leases were originally executed for five years, but were approved for only three years. Nineteen of the leases have been extended for the remaining two years. Authority was also granted for leasing, informally, the remaining pastures, but no bids were received. The leases which were extended are described as follows:

| Lessee. | Acres. | Annual rent. | Lessee. | Acres. | Annual rent. |
|---|---|---|---|---|---|
| W. E. Stich | 25,120 | $879.20 | Thomas J. Rogers | 7,680 | $268.80 |
| George M. Carpenter | 92,400 | 1,029.00 | Thomas Leahy | 15,360 | 537.60 |
| D. S. Green | 64,000 | 2,240.00 | John Pappin | 5,760 | 201.60 |
| Edwin M. Hewins | 30,700 | 1,075.20 | Virgile Herrard | 48,280 | 1,689.80 |
| Jesse M. Pugh | 46,000 | 1,610.00 | G. J. Yeargin | 1,600 | 56.00 |
| John Lee | 9,600 | 336.00 | S. J. Soldani | 25,000 | 875.00 |
| Adams, Shafer & Broderick | 30,720 | 1,075.20 | W. T. Mosier | 15,000 | 525.00 |
| Denoya & Pearson | 11,520 | 403.20 | W. H. Connor | 16,000 | 560.00 |
| J. H. Carney | 4,800 | 168.00 | Frank Lessert | 9,600 | 336.00 |
| Edward T. Comer | 16,320 | 575.20 | | | |

In addition to the above, the entire reservation is leased to Edwin B. Foster for the period of ten years for the production of petroleum and natural gas. The royalty agreed upon is the cash value of one-tenth of all crude petroleum produced and $50 per annum for each gas well that may be discovered and utilized. The oil lease is in no wise to interfere with the use of the lands for farming and grazing purposes. The lease was approved April 8, 1896.

*Kaw Reservation, Okla.*—Four grazing leases, each for the period of two years from April 1, 1896, at the uniform rate of 8 cents per acre per annum. They are described as follows:

| Lessee. | Acres. | Annual rent. |
|---|---|---|
| William B. Smith | 9,000 | $720.00 |
| Charles W. Burt | 20,720 | 1,650.60 |
| Isaac D. Harkleroad | 8,300 | 664.00 |
| George T. Hume | 27,569 | 2,205.52 |

*Navajo Reservation, Ariz.*—One lease for gold and silver mining purposes in favor of J. H. P. Voorhies, for the period of ten years, to embrace an area not exceeding 1 square mile. The rate of royalty for the first three years has been fixed at 3 per cent of the net sampler returns; the rate of royalty for the remainder of the term to be fixed by the Secretary of the Interior. The lease was approved February 10, 1896. Since its approval the lease has been assigned to the Carrizo Mining Company.

*Kickapoo Reservation, Kans.*—One farming and grazing lease in favor of George W. Leverton, for the period of five years from March 1, 1896. Area, 5,828 acres; annual rental, $5,973.70. Lease approved on April 13, 1896. Covers all the tribal or unallotted lands on the reservation, except 640 acres temporarily reserved for school purposes.

*Ponca Reservation, Okla.*—Two grazing leases, each for the period of one year from April 1, 1896. East Ponca Pasture, estimated to contain 33,000 acres, to James W. Lynch, at an annual rental of $1,500. West Ponca Pasture, estimated to contain 33,000 acres, to George W. Miller, at an annual rental of $2,500.

*Otoe and Missouria Reservation.*—Two grazing leases, each for the period of one year from April 1, 1896. The north half of the West Otoe Pasture, estimated to contain 20,000 acres, to Frank Witherspoon, at an annual rental of $1,300. The south half of the West Otoe Pasture, estimated to contain 20,000 acres, to Isaac T. Pryor, at an annual rental of $1,300.

*Shoshone Reservation, Wyo., and Utah Reservation, Utah.*—No additional leases on these reservations have been executed during the past year. For existing leases see page 37 of Annual Report for 1894 and for 1895.

**Allotted lands.**—Since the date of the last annual report the following leases of allotted lands have been approved:

*Cheyenne and Arapaho Agency, Okla.*—Twenty-nine farming and grazing leases. The length of term is generally five years. The cash consideration paid the allottees at this agency ranges low, from 17 to 62½ cents per acre per annum, the principal part of the consideration consisting in improvements to be placed upon the land by the lessees. Four farming and grazing leases have been executed upon which no action has been taken.

*Grande Ronde Reservation, Oreg.*—One farming lease. The length of term is for three years. The consideration to be paid is one-third of the crop raised.

*Green Bay Agency, Wis.*—One farming and grazing lease on the Oneida Reservation. This lease is drawn in favor of Charles F. Peirce, superintendent of the Oneida Indian Industrial School, the land being leased for the use of that school. The length of term is three years. The consideration is $2.50 per acre per annum.

*Nez Percé Agency, Idaho.*—Sixty-four farming and grazing leases and three business leases. The term is from one to three years for

farming and grazing leases, and two, three, and ten years for business leases. The prevailing price for farming and grazing leases is $1.50 per acre per annum, though some pieces are leased as low as 60 and 70 cents per acre, while a few pieces are leased as high as $2 per acre. The prices paid for business leases are $180 per annum for 150 feet square, $180 per annum for 300 feet square, and $60 per annum for 1 acre. Two business leases have been executed upon which no action has been taken.

*Omaha and Winnebago Agency, Nebr.*—One hundred and two farming and grazing leases on the Omaha Reservation, and 378 farming and grazing leases on the Winnebago Reservation. The prevailing period is five years, though some have been executed for a period of three years. The prices are about the same as last year, ranging from 25 cents per acre for grazing lands to $2.50 per acre for the best farming lands. For raw, unbroken lands the average price is 75 cents per acre per annum. For average farming lands where small improvements have been made the prevailing price is $1 per acre.

*Ponca, Pawnee, etc., Agency, Okla.*—Ninety-seven farming and grazing leases of the Ponca Indians, 97 leases of the Pawnee Indians, and 6 leases of the Tonkawa Indians. The leases are for three, four, and five years. The prices range from 25 cents per acre per annum for grazing lands to $1 per acre for farming lands. Most of the leases call for the erection of certain improvements in addition to the money consideration. One farming and grazing lease on Pawnee Reservation has been executed upon which no action has been taken.

*Pottawatomie and Great Nemaha Agency, Kans.*—Five mining leases on the Iowa Reservation, Kans. and Nebr. The length of term is ten years. The consideration to be paid is 10 per cent of the market value of the products of the mines.

About the 25th of June a special agent of this office was sent to the Iowa and Sac and Fox reservations for the purpose of breaking up the system of illegal leasing in vogue there and to execute legal leases in all proper cases. The illegal leases had mainly been entered into by two persons residing in that locality, with a view to subleasing at an increased rate of rental. When the special agent reached the reservations the subtenants already had growing crops upon much of the leased lands. In most cases legal leases have been or will ultimately be entered into with the subtenants for crop rental for the remainder of the present season. So far the special agent has submitted 4 mining leases on the Iowa Reservation, each for the period of ten years, and 7 farming and grazing leases. No action has yet been taken on these leases.

*Quapaw Agency, Ind. T.*—Thirty-eight farming and grazing leases of the Eastern Shawnees, 6 leases of the Modocs, 40 leases of the Ottawas, 87 leases of the Senecas, and 55 leases of the Wyandottes, 4 of which are for business purposes. The length of term is from one to five years for farming and grazing leases and ten years for business leases. The

cash consideration ranges from 25 cents per acre per annum for grazing lands to $3 per acre for the best farming lands. In some of the leases the consideration is one-third of the crops raised. Most of the leases call for the erection of certain improvements in addition to the money consideration, while in others the consideration is limited to improvements only.

Seven farming and grazing leases have been executed by the Eastern Shawnees, 4 by the Modocs, 13 by the Ottawas, 10 by the Senecas, and 5 by the Wyandottes, upon which no action has been taken.

*Sac and Fox Agency, Okla.*—While a few legal leases had been entered into at this agency prior to the present year, much of the land of the allottees was held under illegal and unauthorized leases. In many of these illegal leases the consideration was grossly unjust, and so much complaint had been received from the allottees that it was determined to break them up. For this purpose an inspector of the Department was sent to the agency during the fall of 1895 to cooperate with the agent. December 14, 1895, a special agent of this office was sent to the agency to complete the work of breaking up the illegal system of leasing, and to lease the lands under the rules and regulations of the Department. Shortly after arriving at the agency the special agent removed his headquarters to Shawnee.

Much opposition was met with at first, but finally, about March 1, 1896, most of the illegal lessees consented to abandon their illegal leases and to enter into legal ones. This they were permitted to do in all proper cases. As a result of his efforts the special agent has entered into leases as follows: Thirteen farming and grazing leases of the Iowas; 60 farming and grazing leases, 4 residence leases, and 10 business leases of the Sac and Fox; 24 farming and grazing leases of the Kickapoos; 117 farming and grazing leases of the Absentee Shawnees, and 120 farming and grazing leases of the Pottawatomies.

The length of term ranges from one to five years for farming and grazing leases, one, two, and three years for residence leases, and one, two, and five years for business leases. The cash consideration ranges from 25 cents for grazing lands to $2.50 for the best farming lands, though the prevailing price for average farming land is $1 per acre. The consideration in most of the leases includes some improvements in addition to cash payments. The average consideration for residence leases is $10 per annum for 50 by 150 square feet. The average consideration for business leases is about the same as for residence purposes.

Six farming and grazing leases have been executed by the Kickapoos, 5 by the Sac and Fox, 24 by the Absentee Shawnees, and 8 by the Pottawatomies, upon which no action has been taken.

*Santee Agency, Nebr.*—One farming lease of 160 acres for a term of five years. The consideration is 37½ cents per acre per annum. One farming and grazing lease has been executed, upon which no action has been taken.

*Siletz Agency, Oreg.*—One mining lease for a term of five years from October 30, 1895. The consideration is 25 per cent of the market value of all minerals mined. Also one lease for the right of way for a water ditch for mining purposes for a term of five years. The consideration is $50 per annum.

*Umatilla Agency, Oreg.*—Eight farming leases of the Umatilla, 14 farming leases of the Walla Walla, and 22 farming leases and 1 business lease of the Cayuse Indians. The term for farming leases is principally for two years, though some are for one, three, four, and five years. The term for the business lease is ten years. The consideration for farming leases ranges from 75 cents to $2, but the prevailing price is $1.50. The consideration for the business lease is $25 per annum for 25,000 square feet.

*Yankton Agency, S. Dak.*—Nine grazing leases. The term is for three years. The consideration is 6¼ cents per acre per annum.

As stated hitherto, the policy of the office is to grant the privilege of leasing their allotments only to those who have not the physical or mental ability to cultivate their lands by their own efforts or by hiring help.

## INDIAN LANDS SET APART TO MISSIONARY SOCIETIES.

Several tracts of reservation lands have been set apart during the year for the use of societies carrying on educational and missionary work among Indians, as follows:

TABLE 11.—*Lands set apart on Indian reservations for the use of religious societies from August 31, 1895, to August 31, 1896.*

| Name of church or society. | Acres. | Reservation. |
|---|---|---|
| Women's Indian Association of New Jersey | 160 | Moqui, Ariz. |
| Roman Catholic | *a* 1 | Siletz, Oreg. |
| Methodist Episcopal | *b* 11.60 | Pawnee, Okla. |
| Methodist Episcopal South | 3.97 | Kiowa and Comanche, Okla. |
| Roman Catholic | 151.50 | Wind River, Wyo. |
| Mennonite Brethren | 160 | Kiowa and Comanche, Okla. |
| Protestant Episcopal | 12 | Pine Ridge, S. Dak. |
| Women's Executive Committee, Domestic Missions of Reformed Church. | *c* 15 | Cheyenne and Arapaho, Okla. |
| Presbyterian | 1 | Kiowa and Comanche, Okla. |
| Methodist Episcopal South | 160 | Do. |
| Methodist Episcopal | 18.50 | Klamath, Oreg. |
| Woman's National Indian Association | 10 | Torres Reservation, Mission Agency, Cal. |

*a* On tract reserved to Indians for cemetery purposes.
*b* On tract reserved for agency purposes at Pawnee Subagency, and in lieu of 3.64 acres set aside to Woman's Home Missionary Society in 1895.
*c* On Seger colony school tract.

In each case the amount of land assigned is the amount asked for by the society desiring to occupy it, and the Indians have given their consent to such use of the land.

A table giving all lands on Indian reservations set apart for missionary purposes will be found on page —.

## RAILROADS ACROSS RESERVATIONS.

### GRANTS SINCE LAST ANNUAL REPORT.

Since the date of the last annual report Congress has granted railroad companies rights of way across Indian reservations as follows:

**Indian and Oklahoma Territories.**—*Arkansas and Choctaw Railway.*—By act of Congress of February 24, 1896 (29 Stat. L., p. 13, and page — of this report), this company was granted right of way through the Choctaw Nation, Indian Territory, beginning at the point on the boundary line between the said Choctaw Nation and the county of Little River, in the State of Arkansas, where the said railway may run, when constructed in the State of Arkansas, thence running, by the most feasible and practicable route in a northwesterly direction through the said Choctaw Nation to such point at or near the town of Atoka, in said nation, as said corporation may select, with the right to construct, use, and maintain such tracks, turn outs, and sidings as said company may deem it to its interest to construct along and upon the right of way and depot grounds therein provided for. No maps of definite location of the line of road have yet been filed for approval.

*Fort Smith and Western Coal Railroad.*—By act of Congress of March 2, 1896 (29 Stat. L., p. 40, and p. — of this report), this company was granted right of way through the Indian Territory, beginning at a point to be selected by said company on the western boundary line of the State of Arkansas, at or near the city of Fort Smith, Sebastian County, and running thence by the most practicable route through that part of the Indian Territory occupied by and known as the Choctaw Nation, in a southwesterly direction through the counties of Scullyville, Sans Bois, Gains, and Tobucksy, to a point on the Missouri, Kansas and Texas Railway, in said Choctaw Nation, between McAlester and South Canadian, with a switch from a point on said line to form a connection with the St. Louis and San Francisco Railway at a point on that railroad, to be located between Cedars Station and the Backbone Tunnel, and with the right to build in the line of said railroad a bridge across the Poteau River, whose plan of construction shall be first approved by the Secretary of War. No maps of definite location of the line of road have been approved.

*St. Louis and Oklahoma City Railroad.*—By act of Congress of March 18, 1896, which became a law on that date without the approval of the President (29 Stat. L., p. 69, and page — of this report), this company was granted right of way through the Indian Territory and the Territory of Oklahoma, beginning at a point to be selected by said railway company at or near Sapulpa, in the Indian Territory, and running through the said Territory and the Territory of Oklahoma by way of Chandler and Oklahoma City to a point on Red River at or near the west line of the Kiowa and Comanche Reservation, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said

company may deem it to its interest to construct. No maps of definite location of the line of road have yet been filed for approval.

*Kansas City, Fort Scott and Memphis Railroad.*—By act of Congress of March 28, 1896 (29 Stat. L., p. 77, and p. — of this report), this company was granted right of way for the extension of its line of road into the Indian Territory, from a point on the south line of the State of Kansas, near the city of Baxter Springs, to the town of Miami, with the right also to take and use for station purposes a strip of land 100 feet in width by a length of 2,000 feet in addition to right of way, to the extent of one station for each 10 miles of road. Maps of definite location of the line of road have not yet been filed for approval.

*St. Louis, Oklahoma and Southern Railway*—By act of Congress of March 30, 1896, which became a law on that date without the approval of the President (29 Stat. L., p. 80, and p. — of this report), this company was granted right of way through the Indian Territory and the Territory of Oklahoma—

Beginning at a point to be selected by said railroad company at and between Claremore and Sapulpa, on the St. Louis and San Francisco Railroad, in the Cherokee and Creek nations, Indian Territory, and running thence in a westerly and southerly direction over the most practicable and feasible route through or near the Cherokee, Creek, Seminole, and Chickasaw nations, Indian Territory, to a point at or near Stonewall, to a point on the Red River at or near Willis, Indian Territory, and from thence through the State of Texas to a point at or near Aransas Pass, State of Texas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds therein provided for, with the right also of locating, constructing, owning, equipping and operating, using and maintaining a branch line of railway from a point on the main line to be selected by said company over the most practicable and feasible route between Okmulgee and Sasakwa, and running southwesterly through the Indian Territory and Oklahoma Territory, to a point at or near Purcell, Chickasaw Nation, Indian Territory, or to intersect the Atchison, Topeka and Santa Fé Railroad at some point between Norman and Ardmore, thence southwesterly to the northerly side of Wilbarger County, State of Texas, and from thence to the east line of the Territory of New Mexico, and thence through New Mexico to a point at or near El Paso, State of Texas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for.

No maps of definite location of the line of road have yet been filed for approval.

*Arkansas Northwestern Railway.*—By act of Congress of April 6, 1896, which became a law on that date without the approval of the President (29 Stat. L., p. 87, and p. — of this report), this company was granted right of way through the Indian Territory, beginning at a point to be selected by said railway company at or near the town of Southwest City, in the county of McDonald, State of Missouri, and running thence in a northwest direction over the most practicable route through the Indian Territory, to a point between Chetopa and Baxter Springs, in the State of Kansas, with the right to construct, use, and maintain such tracks,

turn-outs, sidings, and extensions through such Territory as said company may deem it to its interests to construct along and upon the right of way and depot grounds herein provided for. No maps of definite location of the line of road have yet been filed for approval.

**Leech Lake and Chippewa reservations, Minn.**—*Brainerd and Northern Minnesota Railway.*—By act of Congress of February 24, 1896, which became a law on that date without the approval of the President (29 Stat. L., p. 12, and p. — of this report), the above-named company was granted a right of way for an extension of its line of road through the Leech Lake Indian Reservation, commencing at a point in the south line of said Indian reservation and extending northwesterly through section 11, of township 141, range 31, to a point in the west line of said reservation in section 2; also through the Chippewa Indian Reservation, in said State, commencing at a point in the south line of said Indian reservation, in township 142 north, of range 31 west, and extending in a northwesterly direction from the terminus of the line as now constructed along the most feasible and practicable route, through township 143 north, of ranges 31 and 32 west, to a point in the west line of said reservation, with the right to load logs on said railroad at the points in said reservation where the same may run adjacent or contiguous to the waters of Leech Lake. No maps of definite location of the line of the road have yet been filed for approval.

**Colville Reservation, Wash.**—*Columbia and Red Mountain Railway.*—By act of Congress approved March 6, 1896 (29 Stat. L., p. 44, and page — of this report), the above-named company was granted right of way through the Colville Reservation, Wash., commencing at a point at or near the Little Dalles, on the Columbia River, in Stevens County, in said State, and running thence in a northerly direction by the most feasible route to the international boundary line between the United States and British Columbia. No maps of definite location of the line of the road have yet been filed for approval.

**Winnibigoshish, Chippewa, White Oak Point, and Red Lake reservations, Minn.**—*Duluth and North Dakota Railroad.*—By act of Congress of April 14, 1896, which became a law on that date without the approval of the President (29 Stat. L., p. 92, and page — of this report), the above-named company was granted right of way through the Winnibigoshish, Chippewa, White Oak Point, and Red Lake Indian reservations, in the State of Minnesota, such right of way to be 50 feet in width on each side of the center line of said railroad; and said company may also take land adjacent to such right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, to the extent of one station for every 10 miles of road constructed within the limits of said reservations. No maps of definite location of the line of road have yet been filed for approval.

**Sac and Fox and Iowa reservations, Kans. and Nebr.**—*Atchison and Nebraska Railroad and the Chicago, Burlington and Quincy Railroad,*

*its lessee in perpetuity.*—By act of Congress of April 18, 1896, which became a law on that date without the approval of the President (29 Stat. L., p. 95, and page — of this report), the above-named company was granted right of way through said reservations for its line of railroad as located and existing on and since the 7th day of April, 1895, commencing upon the allotment of Sidney Perry at the southeast corner of said reservation and extending northwestwardly to a point 1,274 feet west of the east line of the allotment of Stephen Story, in the southeast quarter of the northeast quarter of section 26, township 1 north, of range 18 east, in Richardson County, Nebr. The map of definite location of the line of road was approved by the Secretary of the Interior on May 28, 1896.

GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

**Indian and Oklahoma Territories.**—*Kansas City, Pittsburg and Gulf Railroad.*—By act of Congress approved February 13, 1896 (29 Stat. L., p. 6, and page — of this report), the original act granting the above-named company the right of way through the Indian Territory (the act of February 27, 1893, 27 Stat. L., p. 487) was so amended as to permit the company to construct a branch line of road from some point on the main line of said railroad in the Indian Territory, south of the Arkansas River and north of the town of Poteau, by the most feasible and practicable route, to the city of Fort Smith, in the State of Arkansas, and with the right to build in the line of said branch railroad a bridge across the Poteau River, whose plan of construction shall be first approved by the Secretary of War, and with the right to locate, construct, maintain, and operate a spur of its railroad from a point on said branch about 4 miles northeast of Scullyville, by the most practicable route, to a point on the western line of the State of Arkansas about 10 miles south of Fort Smith, and with the right to build in the line of said spur a bridge over the Poteau River, whose plan of construction shall first be approved by the Secretary of War.

October 14, 1895, the president of the company tendered a draft for $1,250 in payment of right of way for the first section of 25 miles of road. February 1, 1896, the Secretary approved the maps of definite location of sections 5 and 6 of the line of road. These completed the line of the road through the Indian Territory. August 1, 1896, the company tendered a draft for $1,051.82 in payment of the annual tax at the rate of $15 per mile, for line of road through the Indian Territory, for fiscal year ending June 30, 1896.

*Choctaw, Oklahoma and Gulf Railroad (formerly the Choctaw Coal and Railway).*—By act of Congress of April 24, 1896 (29 Stat. L., p. 98, and p. — of this report), the act of August 24, 1894 (28 Stat. L., 502), was modified by declaring:

SEC. 2. That the powers conferred by said section four shall extend to branches intended to aid the development of any coal or timber territory contiguous or tributary to the lines of railroad of the said Choctaw, Oklahoma and Gulf Railroad

Company, whether owned or controlled by said company or by others, said branches not to exceed in length five miles, and to the construction and operation of a branch from any point on its existing line of railroad to the northern line of the State of Texas, and for this purpose the said company shall have the like rights, powers, and franchises, as to the acquisition of a right of way and depot grounds, and as to the construction and operation of the said branch, and shall be subject to the like conditions and restrictions as it possesses or is subject to under or by virtue of the provisions of the said act of August twenty-fourth, eighteen hundred and ninety-four, as to the line of railroad acquired or constructed thereunder.

SEC. 3. That the line of railroad which has been heretofore constructed shall be regarded and treated as a full compliance by said company with the requirements of the act applicable to it, by which it was required, as a condition of further construction thereafter, to complete its main line prior to February eighteenth, eighteen hundred and ninety-six, and said company may exercise, from time to time, the rights, powers, and franchises heretofore or by this act conferred as to further extensions of or branches from its existing line.

On October 15, 1895, the company filed a mortgage in favor of the Finance Company of Philadelphia to secure an issue of $1,100,000 in bonds. April 17, 1896, the treasurer of the company filed in this office a voucher, in the nature of a check, for $2,060, in payment of remainder of right of way through the Indian Territory. From time to time the president of the company has filed reports showing amount of coal mined monthly in the Choctaw Nation, in accordance with the provisions of the act of Congress of October 1, 1890 (26 Stat. L., 640). On July 18, 1896, the president of the company was called upon for payment of annual tax, at the rate of $15 per mile, for fiscal year ending June 30, 1896. Up to date the payment has not been made.

*Denison and Northern Railway.*—By act of Congress approved May 21, 1896 (29 Stat. L., 128), the time within which the above-named company might construct its line of road through the Indian Territory was extended for a further period of two years from the date of the passage of the act. The size of the station grounds was also reduced. No additional maps of definite location have been filed during the past year.

*Gainesville, McAlester and St. Louis Railway.*—Reference to the last annual report will show that by act of Congress of March 1, 1893 (27 Stat. L., 524), the above-named company was granted right of way through the Indian Territory. By act of March 4, 1896 (29 Stat. L., p. 44, and page — of this report), the company was granted an extension of three years within which to construct its line of road. The size of the station grounds as given in the original act was also reduced. No maps of definite location of the line of road have yet been filed for approval.

*Interoceanic Railway.*—The above-named company was originally granted right of way through the Indian Territory by act of Congress of March 3, 1893 (27 Stat. L., 747). By act of April 14, 1896 (29 Stat. L., p. 93, and page — of this report), the company was granted an extension of three years within which to construct its line of road. The size of the station grounds, as given in the original act, was also reduced.

No maps of definite location of the line of road have yet been filed for approval.

*Kansas and Arkansas Valley Railway.*—Mention is made in the last annual report of the fact that by act of Congress of June 6, 1894 (28 Stat. L., 86), the above-named company was granted an extension of three years from February 24, 1894, within which to build the first 100 miles of its additional lines of road, as provided for in the act of Congress of February 24, 1891 (26 Stat. L., 783). No maps of definite location of said additional lines have yet been filed for approval. July 1, 1896, the company tendered a draft for $2,444.55 in payment of the annual tax through the Indian Territory for the fiscal year ending June 30, 1896.

*Chicago, Rock Island and Pacific Railway.*—Reference to the last annual report will show that the above company, by act of Congress approved February 27, 1893 (27 Stat. L., 492), was granted a right of way through the Indian Territory, as an extension of its line of road from Chickasha station, on its present line, running thence in a southeasterly direction to the south line of the Indian Territory; also from said Chickasha station, running thence in a southwesterly direction, to the west or south line of the Territory of Oklahoma. No maps of definite location of these extensions, however, have yet been filed for approval.

July 20, 1896, the company tendered a draft for $1,593 in payment of the annual tax of $15 per mile on that portion of the road passing through Indian lands for the fiscal year ending June 30, 1896.

*Gulf, Colorado and Santa Fé Railway.*—On August 20, 1896, the company, through its attorneys in this city, tendered a draft for $1,500 in payment of the annual tax of $15 per mile on that portion of the road extending through Indian lands, for the fiscal year ending June 30, 1896.

*Southern Kansas Railroad (leased to the Atchison, Topeka and Santa Fé Railroad).*—August 9, 1896, the latter company tendered a draft for $85.50 in payment of the annual tax of $15 per mile for that portion of the road passing through Indian lands, for the fiscal year ending June 30, 1896.

*Denison and Washita Valley Railroad.*—July 18, 1896, this office called upon the above-named company, through its attorneys in this city, for payment of annual tax at the rate of $15 per mile for each mile of road passing through Indian lands, for the fiscal year ending June 30, 1896. Up to date the payment has not been made.

**Fond du Lac Reservation, Minn., *Northern Pacific Railway.*—**The last annual report refers to the fact that the Indians of the Fond du Lac Reservation, Minn., have never been paid by this company for the right of way through their reservation lands. A brief account of the steps preliminary to bringing suit against the company was also given. September 22, 1894, the facts in the case were laid before the Secretary of the Interior, with the recommendation that the Attorney-General be

requested to direct the United States attorney for the district of Minnesota to institute action in the proper United States court, on behalf of the Indians, to enforce payment from the company. October 4, 1894, the Attorney-General stated that the papers had been sent to the United States attorney for Minnesota, with instructions to institute action.

Through the chairman of the Chippewa Commission, on January 25, 1895, the company submitted a proposition to compromise with the Indians on the basis of $2.50 per acre for the land taken for right of way and station purposes. February 6, 1896, the papers were submitted to the Department with a view to their being sent to the United States attorney for Minnesota for such remarks as he saw fit to make. About the 1st of March the papers were returned to this office, through the Department of Justice. The United States attorney was inclined to favor the compromise. March 26, 1896, the papers were sent to the acting agent of the La Pointe Agency, in charge of the Fond du Lac Reservation, for submission to the Indians. May 23, 1896, the acting agent reported that the Indians were unwilling to compromise for less than $25 per acre. May 28, 1896, the papers were returned to the Department with a view to their being sent to the Attorney-General for further action by the Department of Justice.

**Devils Lake Reservation, N. Dak.**, *Jamestown and Northern Railway.*—The last annual report referred to the fact that this company had never paid for its right of way through the above reservation. A full history of this case is printed in House Ex. Doc. No. 3, Forty-eighth Congress, second session, and Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which attention is invited. On a number of occasions this office has recommended that Congress ratify the agreement entered into July 28, 1883, between the company and the Indians; but no final action has yet been taken.

The following railway companies mentioned in last year's report have since then filed no maps of definite location of their respective roads:

*Kansas, Oklahoma Central and Southwestern*, through Indian and Oklahoma Territories. Act of December 21, 1893 (28 Stat. L., 22).

*Gainesville, Oklahoma and Gulf*, through Indian Territory. Act of February 20, 1893 (27 Stat. L., 465).

*Hutchinson and Southern*, through Oklahoma and Indian Territory. Acts of August 27, 1894 (28 Stat. L., 505), and February 3, 1892 (27 Stat. L., 2), and September 26, 1890 (26 Stat. L., 485).

*Arkansas, Texas and Mexican Central*, through Indian Territory. Act of August 4, 1894 (28 Stat. L., 229).

*Forest City and Sioux City*, through Sioux Reservation, S. Dak. Act of February 12, 1895 (28 Stat. L., 653).

*Gila Valley, Globe and Northern*, through San Carlos Reservation, Ariz. Act of February 18, 1895 (28 Stat. L., 665).

*Albany and Astoria*, through Grande Ronde Reservation, Oreg. Act of June 6, 1894 (28 Stat. L., 87).

*Eastern Nebraska and Gulf*, through Omaha and Winnebago Reservations, Nebr. Act of June 27, 1894 (28 Stat. L., 95).

*St. Paul, Minneapolis and Manitoba*, through White Earth, Leech Lake, Chippewa, and Fond du Lac reservations, Minn. Act of July 18, 1894 (28 Stat. L., 112).

*Duluth and Winnepeg*, through Chippewa and White Earth reservations, Minn. Act of August 27, 1894 (28 Stat. L., 504).

*Northern Mississippi*, through Leech Lake, Chippewa, and Winnebagoshish reservations, Minn. Act of August 23, 1894 (28 Stat. L., 489).

*Marinette and Western*, through Menominee Reservation, Wis. Act of July 6, 1892 (27 Stat. L., 83).

### CONDITIONS TO BE COMPLIED WITH BY RAILROAD COMPANIES.

In the construction of railways through Indian lands a systematic compliance by companies with the conditions expressed in the right-of-way acts will prevent much unnecessary delay. I therefore quote the requirements, which have been stated in previous reports. Each company should file in this office—

(1) A copy of its articles of incorporation, duly certified to by the proper officers under its corporate seal.

(2) Maps representing the definite location of the line. In the absence of any special provisions with regard to the length of line to be represented upon the maps of definite location, they should be so prepared as to represent sections of 25 miles each. If the line passes through surveyed land, they should show its location accurately according to the sectional subdivisions of the survey; and if through unsurveyed land, it should be carefully indicated with regard to its general direction and the natural objects, farms, etc., along the route. Each of these maps should bear the affidavit of the chief engineer, setting forth that the survey of the route of the company's road from ——— to ———, a distance of ——— miles (giving termini and distance), was made by him (or under his direction), as chief engineer, under authority of the company, on or between certain dates (giving the same), and that such survey is accurately represented on the map. The affidavit of the chief engineer must be signed by him officially and verified by the certificates of the president of the company, attested by its secretary under its corporate seal, setting forth that the person signing the affidavit was either the chief engineer or was employed for the purpose of making such survey, which was done under the authority of the company. Further, that the line of route so surveyed and represented by the map was adopted by the company by resolution of its board of directors of a certain date (giving the date) as the definite location of the line of road from ——— to ———, a distance of ——— miles (giving termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved ——— (giving date).

(3) Separate plats of ground desired for station purposes, in addition to right of way, should be filed, and such grounds should not be represented upon the maps of definite location, but should be marked by station numbers or otherwise, so that their exact location can be determined upon the maps. Plats of station grounds should bear the same affidavits and certificates as maps of definite location.

All maps presented for approval should be drawn on tracing linen, the scale not less than 2,000 feet to the inch, and should be filed in duplicate.

These requirements follow, as far as practicable, the published regulations governing the practice of the General Land Office with regard to railways over the public lands, and they are, of course, subject to modification by any special provisions in a right-of-way act.

## LOGGING ON RESERVATIONS.

**Lac du Flambeau and Bad River reservations, Wis.**—As previously reported, J. H. Cushway & Co. were given authority by the President on September 28, 1892, to purchase the timber standing on the Indian allotments on the Lac du Flambeau Reservation, and January 6, 1894, Justus S. Stearns was given similar authority on the Bad River Reservation. In each case the original authority was subsequently extended by the President to cover new allotments. Since my last annual report the timber business on these two reservations has been satisfactorily conducted and the work of logging has progressed with good results to the Indians, who, all reports show, are being honestly dealt with by the contractors and are receiving full value and high prices for their timber.

**Lac Court d'Oreilles Reservation, Wis.**—January 4, 1896, lists of new allotments to Indians on this reservation were approved. January 15, 1896, authority was granted for Mr. Turrish to purchase timber from the allottees. As previously stated, there was very little timber on this reservation to be logged, and the close of the last logging season about completed the business. Indeed, Lieutenant Mercer, the acting agent, reported that had not the new allotments referred to been approved and authority been given to purchase the timber thereon there would have been no logging on the reservation after January of this year. Mr. Turrish has conducted his logging there in an entirely satisfactory manner, and while, from the nature of the situation, the relief which it afforded the Indians will be but temporary, it has been for most of them their way of escape from actual starvation.

**White Earth and Red Lake reservations, Minn.**—September 14, 1895, the President granted authority for the Indians of the White Earth and (diminished) Red Lake reservations to cut and sell dead timber standing or fallen on those reservations, and prescribed regulations to govern their operations, under the act of February 16, 1891 (25 Stat. L., 673). In accordance with this authority, dead timber was sold by these Indians to the gross value of $51,935.30. This timber would, in the course of a year or two, have been a total loss to the Indians; but by its sale its value has been saved, many of the Indians have been given remunerative employment during the winter, and $5,193 (or 10 per cent of gross value of logs) has been added to the fund on the books of this office available for the relief of the old, sick, and otherwise indigent members of the bands belonging on these reservations.

**Menomonee Reservation, Wis.**—October 14, 1895, the Department, on recommendation of this office, granted authority for the agent of the

Green Bay Agency, Wis., to arrange with and to employ such Menomonee Indians as might be necessary to carry on logging operations on their reservation for the season of 1895–96, under the provisions of the act of June 12, 1890 (26 Stat. L., 146). They were to cut and bank on the rivers and tributaries of the reservation 17,000,000 feet of pine timber, or so much thereof as might be practicable, under the rules and regulations that governed similar operations the previous year, said rules being as follows, viz:

1. That the agent of the Green Bay Agency, Wis., with the assistance of the superintendent of logging, enter into agreements with individual Menomonees to pay each a certain price for timber delivered upon the river banks, separate contracts to be made for delivery of pine from those made for delivery of other kinds of timber; that in no case shall more than $6 per 1,000 feet be paid for pine or $2.50 per 1,000 feet for any other kind of timber; and that all agreements shall be made subject to the approval of the Commissioner of Indian Affairs.

2. That each contractor, or boss of a squad, be paid a rate to be agreed upon for cutting and banking timber in proportion to and in harmony with all the conditions under which the timber he is to cut and bank is situated, the location of each contractor's timber, price to be allowed him per 1,000 feet, and number of feet he will be allowed to bank, to be determined upon and named in each contract before signing; said contracts to be executed in duplicate, one copy to be handed to the logger, and all necessary instructions given to him, before he commences operations, to abide by which he must signify his full consent.

3. That a definite time be agreed upon and named in each contract for commencing work by each contractor, and a date fixed by the agent and superintendent, of which due notice will be given to the Indians, after which no more applications for the privilege of logging will be received, or contracts made.

4. That any contractor banking more logs than his contract calls for shall forfeit the surplus.

5. That a sufficient number of scalers and assistant scalers be employed to keep the logs scaled up every week, and to be sworn to perform their duties faithfully; the scalers to be paid $2.50 per day and the assistant scalers $2 per day each, without board.

6. That the scalers make report to the agent every two weeks, showing the exact number of feet banked by each contractor during that time.

7. That when one-half of the logs contracted for by any Menomonee shall be banked as required, and measurement of the same returned to the agent, 50 per cent of price for banking such logs may be paid to such contractor; and when the entire contract shall be completed full payment shall be made on the 15th day of April, 1896, or as soon thereafter as practicable, and the logger shall pay all arrearages for labor at this latter payment.

8. That contractors shall pay a fair, reasonable, and usual rate of wages to their assistants, and shall, under the supervision of the superintendent, furnish the agent with a monthly statement showing the amount due to each laborer at the end of every month.

9. That no outside Indian be allowed to assist in banking Menomonee logs without the consent of the agent and superintendent, Menomonee Indians to have the preference in all cases.

10. That no squaw man, or white man of any class, be allowed to take part in the logging, in any capacity whatever, except when authorized by the agent and approved by the Department.

11. That no contractor shall be interested in more than one contract at the same time.

12. That all traders or other persons supplying the Indians with goods for the logging be required to furnish a price list, a statement of their accounts with the Indians, and whenever so required, an itemized statement of goods furnished.

13. That the agent may give the contractor a statement showing the amount then due, and the amount (50 per cent) reserved for labor; provided, that it is expressly stated that neither the Government nor the agent guarantees any part of the indebtedness that the logger may incur.

14. That no logs are to be scaled unless properly landed and marked, and landings and rollways cleared before logs are landed.

Acting under this authority, the Menomonee Indians, under the direction of Agent Savage, cut and banked 9,417,000 feet of logs on the Wolf River and tributaries and 7,583,000 feet on the South Branch of the Oconto River, and on February 13, 1896, he was authorized to advertise the logs for sale, which he did by publishing the following advertisement, viz:

FOR SALE—MENOMONEE INDIAN SAW LOGS.

For sale, seventeen million feet (more or less), according to the scale of the Government scalers, of pine saw logs banked during the winter of 1895 and 1896, by the Menomonee Indians as follows: On Wolf River and tributaries, 9,417,000 feet; on South Branch of Oconto River, 7,583,000 feet. Separate bids will be required for the logs banked on each river. The logs have all been scaled by competent and sworn scalers, and can easily be tested as to accuracy.

SEALED PROPOSALS

Endorsed on the envelope containing the proposals, "Bids for Menomonee logs," and addressed to the undersigned at Keshena, Wisconsin, will be received until 1 o'clock p. m. Tuesday, March 10, 1896, at which time all bids will be opened in the presence of the bidders at the office of the Green Bay Agency, Keshena, Wisconsin, and the sale of said logs awarded to the highest and best bidder, subject, however, to the approval of the Hon. Secretary of the Interior and the Hon. Commissioner of Indian Affairs, who reserve the right to reject any and all bids as they deem for the best interest of the Indians.

Each bid to receive consideration must be accompanied by a certified check upon some solvent national bank for 5 per cent of the aggregate amount of the bid, payable to the order of the Commissioner of Indian Affairs. Checks of unsuccessful bidders will be returned to them, but checks of successful bidders who fail to comply with the requirement of the Department in the purchase or payment for logs bid in will be forfeited to the Treasury of the United States and the logs sold again. The money in payment for said logs must be deposited in the First National Bank of Milwaukee, Wisconsin, to the credit of the Treasurer of the United States, within ten days after the approval of the sale, and triplicate receipts of deposit delivered to the undersigned. Any further information in regard to the logs or sale of the same can be obtained of the undersigned.

Green Bay Indian Agency, Keshena, Wisconsin, Feb. 18th, 1896.

THOS. H. SAVAGE,
*U. S. Indian Agent.*

March 10, 1896, Agent Savage submitted an abstract of bids received, as follows:

| Name of bidder. | Place of delivery (on rivers where banked). | Quantity. | Rate. |
|---|---|---|---|
| | | *Feet.* | |
| S. W. Hollister & Co., Oshkosh, Wis. | Wolf River and tributaries | 9,232,990 | $8.50 |
| | South Branch of Oconto River | 7,767,010 | 11.05 |
| Holt Lumber Co., Oconto, Wis. *a* | South Branch of Oconto River | 7,767,010 | 11.25 |
| A. Spies, Shawano, Wis. *a* | do | 7,767,010 | 10.86 |
| Leander Choate and D. Jennings, New London, Wis. | Wolf River and tributaries | 9,232,990 | 8.33 |
| | South Branch of Oconto River | 7,767,010 | 11.00 |
| J. H. Jenkins, Oshkosh, Wis. *b* | Wolf River and tributaries | 9,232,990 | 7.75 |

*a* Did not bid on Wolf River logs. *b* Did not bid on South Branch of Oconto River logs.

The agent stated that the logs were larger in size and better in quality than those cut during the season of 1894–95, but that he did not think that better rates could be obtained if reoffered for sale, as there was evidently a combination among the lumbermen to obtain the logs at a low price. The bids were therefore submitted to the Department, March 17, 1896, with the recommendation that the bid of S. W. Hollister & Co., of Oshkosh, Wis., for the logs on Wolf River and tributaries, at $8.50 per 1,000 feet, and that of the Holt Lumber Company, of Oconto, Wis., for the logs on the South Branch of the Oconto River, at $11.25 per 1,000 feet, be accepted. The Department, under date of March 18, 1896, accepted the bids of S. W. Hollister & Co. and the Holt Lumber Company, and the sale of the logs to them was confirmed as follows:

| | |
|---|---|
| S. W. Hollister & Co., Oshkosh, Wis., 9,232,990 feet on Wolf River and tributaries, at $8.50 per 1,000 feet | $78,480.42 |
| Holt Lumber Co., Oconto, Wis., 7,767,010 feet on South Branch of Oconto River, at $11.25 per 1,000 feet | 87,378.86 |
| A total of 17,000,000 feet | 165,859.28 |

This average of $9.75 per 1,000 feet is an increase of 44 cents per 1,000 feet over the season of 1894–95, and an increase of $1.40 over the season of 1893–94, when 20,000,000 feet, banked on both rivers, was sold to one bidder at $8.35 per 1,000 feet.

In addition to the logs sold as above the Indians, under authority of the Department, cut and banked 1,870,800 feet of shingle bolts, which were advertised and sold as follows:

| | |
|---|---|
| To Black Bros. & Co., of Shawano, Wis., 980,975 feet on the Oconto River, at $1.50 per 1,000 feet | $1,471.46 |
| To S. W. Hollister & Co., of Oshkosh, Wis., 889,825 feet on the Wolf River, at $1.45 per 1,000 feet | 1,290.25 |

In view of the extremely low price obtained for these shingle bolts I shall recommend when the proper time comes that no authority be granted to cut shingle bolts the coming season, but that all timber be cut into logs, scaled, and reserved for sale for what merchantable lumber they may contain.

## EXHIBITION OF INDIANS.

Some applications have been received during the year asking for authority to take Indians from reservations for exhibition purposes, but most of them have been refused. The authorities granted by the Department are as follows:

March 7, 1896, to Messrs. Cody ("Buffalo Bill") and Salisbury, to take 100 Indians from reservations in North and South Dakota, New Mexico, and Oklahoma Territory for general show and exhibition purposes. A bond in the sum of $10,000 was given by this firm.

April 25, 1896, to the Zoological Society of Cincinnati, Ohio, to take not to exceed 100 Indians from such reservations as might be desired, for

show and exhibition purposes in Cincinnati, Ohio. A bond in the sum of $10,000 was given by this society.

In two instances authority was granted Indians to attend local celebrations, under such conditions and restrictions as would insure the Indians proper treatment and surroundings.

As stated in my last annual report, whenever engagements with Indians for exhibition purposes are made, their employers are required to enter into written contracts with the individual Indians obligating themselves to pay such Indians fair stipulated salaries for their services; to supply them with proper food and clothing; to meet their traveling and needful incidental expenses, including medical attendance, etc., from the date of leaving their homes until they return thither; to protect them from immoral influences and surroundings; to employ a white man of good character to look after their welfare, and to return them without cost to themselves to their reservation within a certain specified time. They have also been required to execute bond for the faithful fulfillment of such contracts.

## SALE OF LIQUOR TO INDIANS.

In accordance with an intention expressed in my last annual report, I transmitted to the Department November 23, 1895, a draft of a bill, to be laid before Congress, prohibiting the sale of intoxicating liquors to Indian allottees. This draft was similar to a bill which passed the House in the Fifty-third Congress, but failed for want of time in the Senate. Its terms and the necessities of the Indian service in this respect were fully discussed in my report of 1895, and it is not necessary at this time to enter upon the question of the need for such legislation as is proposed.

The bill was introduced in both branches of Congress early in the last session. So far as I am aware, the Senate has not acted on the measure further than to refer it to its Committee on Indian Affairs; but the House Committee on Indian Affairs made a favorable report thereon (Report 1209) in April last. It is hoped that Congress will at this winter's session pass the bill and give the service the relief it will afford.

The correspondence in this office this year on the subject of the sale of intoxicants to Indians shows more than ever the necessity for the legislation proposed, and all the agents in charge of Indians to whom allotments have been given, especially in the far West and Northwest, insist on something being done to save the Indians from the terrible effects which unrestrained liquor traffic among them will bring.

## INDIAN DEPREDATION CLAIMS.

The number of claims of record in this office at the date of my last annual report was 8,007, and the number of claims at that time in this office to be transmitted to the Court of Claims, in accordance with the

act of March 3, 1891 (26 Stat. L., 851), was 4,301. Since then the papers on file in 20 claims have been transmitted to the court. Ten claims have been reported as having been previously transmitted to Congress, and miscellaneous information has been given relative to 12 claims. No new claims have been filed during the past year, and, deducting the 30 claims that have been disposed of, 4,271 are still left in this office to be disposed of in accordance with that act.

The following appropriations have been made for the payment of judgments of the Court of Claims, rendered in pursuance of said act of March 3, 1891, viz: $478,252.62 was appropriated by act of July 28, 1892 (27 Stat. L., 319); $175,000 was appropriated by act of August 23, 1894 (28 Stat. L., 476); $200,000 was appropriated by act of March 2, 1895 (28 Stat. L., 869), and $49,687.86 was appropriated by act of June 8, 1896 (29 Stat. L., 306), making a total of $902,940.48. The records of this office show that up to August 25, 1896, judgments have been paid and charged against the sums above appropriated to the amount of $825,039.60.

The judgments paid as above indicated do not include those paid from the tribal funds of different tribes, in accordance with section 6 of the act, amounting approximately to $15,000.

## DISTURBANCES IN JACKSONS HOLE COUNTRY, WYOMING.

The killing by white men of three members of a peaceable hunting party of Bannocks in the Jacksons Hole country, Wyoming, in July, 1895, and the arrest, fining, imprisonment, and confiscation of property of other Bannocks, all because of their violation of Wyoming game laws, were narrated at length in my last report. For convenient reference hereafter I have deemed it wise to add this year a detailed account of what has since occurred relating to this affair, including the decision of the Supreme Court in the case. The Indians were hunting for subsistence under their treaty of July 3, 1868, but in the test case brought before it the Supreme Court decided that the treaty right of the Shoshones and Bannocks of the Fort Hall and Wind River reservations to hunt in the Jacksons Hole country was terminated by the admission of Wyoming Territory into the Union as a State.

September 11, 1895, this office submitted to the Department evidence, received from the United States Indian agent of the Fort Hall Agency, of the wrongs that had been committed upon the persons and property of the Bannocks in the Jacksons Hole country; and asked, in view of article 1 of the treaty of July 3, 1868, with these Indians, if something could not be done by the Department of Justice toward punishing the offenders. September 24, 1895, the Attorney-General informed this Department that he had "again taken under consideration the question of prosecuting the whites who committed the outrages upon the Bannock Indians in the Jacksons Hole country," and that the

United States district attorney for Wyoming had been instructed "to indict the parties and prosecute the case with vigor."

Meantime this office, September 20, 1895, instructed Mr. Province McCormick, inspector United States Indian service, as follows:

I am instructed by the honorable Secretary of the Interior to direct you to proceed to the State of Wyoming and to the Fort Hall Agency, in Idaho, as a representative of this Department, for the purpose of conferring with the governor of Wyoming and such other officials of said State, or other persons as may be necessary, relative to certain matters of importance (explained at length hereafter) in connection with the recent troubles between the Bannock Indians and the whites in what is known as the Jacksons Hole country, Wyoming.

You will therefore proceed to Omaha, Nebr., so as to meet Brig. Gen. John J. Coppinger, U. S. A., in that city on the 26th instant and accompany him to Wyoming. * * *

In order that you may have full information of the facts relative to the late troubles between the Bannocks and whites, I briefly state the case as follows:

After a résumé of the case, substantially as contained in report of this Bureau for 1895, the letter continued—

I desire you to confer with the governor of Wyoming with reference to the right of these Indians to hunt off their reservation in the territory in question and ascertain his views upon the subject. The actions of the lawless whites in this region should be clearly laid before him; so also should the treaty rights of these Indians, as held by this Department. You will state to him that this Department does not desire to have any trouble with the settlers; that it is anxious and willing to do everything it can to prevent the Indians under its charge from committing depredations upon the whites or annoying them in any way; but that it will insist on protecting the Indians in their rights guaranteed to them by the United States.

In case the governor is unwilling to concede the rights of the Indians to hunt as above indicated, you will propose to him that there shall be a test case made and a decision arrived at as to the right of the Indians to hunt on public lands under their treaty, either by having an Indian arrested by the State officials for hunting, and an application brought by the United States attorney for Wyoming for a writ of habeas corpus for the release of such prisoner, or in some other way, and that he shall agree that in case it shall be decided that the Indians have a right to hunt, and that the laws of Wyoming are of no effect as against them, then, in that event, he, Governor Richards, shall, by all the means in his power, protect the Indians in such right; and on the other hand, if it shall be decided by the courts that the Indians have no right to hunt, in violation of the State laws, or, in other words, that the State laws operate to abridge or defeat their said treaty rights, then this Department will recommend to Congress that an agreement be made with them for the relinquishment of the rights guaranteed to them by the treaty of 1868, and which they claim and believe are still in full force.

In case Governor Richards agrees to the above proposition and is willing to have such test case made, the Indian's arrest could be secured through proper consultation with the United States Indian agent of the Fort Hall Agency, in which case this office should be notified of such action in order that the United States district attorney for Wyoming might be properly instructed to proceed in the matter in the interest of the Government.

After you shall have concluded your interviews with Governor Richards, and such other officials of the said State of Wyoming as you may deem necessary, you will then proceed to Fort Hall Agency where you will, without causing too much inconvenience to the Indians, call a council and explain to them the action which this Department has taken in regard to the wrongs which they have suffered at the hands

of the whites in the late Jacksons Hole affair. You should also let them know that this Government fully appreciates their case, sympathizes with them in their troubles, and is determined to do everything possible to right their wrongs. It might be well to call their attention also to the fact that this office and the honorable Secretary of the Interior willingly granted them increased rations, in order that they might not be compelled to suffer for want of food during the coming winter, and to save them the necessity of going into the Jacksons Hole country for the purpose of hunting, which the Department did not want them to do just at that time, in view of the excited state of the whites in this region.

Further, it might be well for you to add in your talk with them that they must be entirely willing and contented to let the matter of the punishment of the whites who killed one of their people and seriously wounded another rest in the hands of this Government, and that if they do not and undertake to seek revenge they will certainly lose the good will and support of this Government and their friends throughout the country.

While at the agency you should, for the information of this office, ascertain the feeling that now exists among the Indians in regard to this affair, whether or not they appear to be sullen and discontented, etc., as recently reported. You should also take note, so far as may be convenient, of the attitude of the officials of the State of Wyoming, and also of the settlers concerning this whole matter.

If you think best, and I am inclined to believe it would be, you may visit the United States district attorney for Wyoming and confer with him in regard to the proposed conference with Governor Richards, and ask him to go with you to the governor. From the strong position taken by the said district attorney as to the rights of the Indians, and his vigorous denunciation of the conduct of the whites in their treatment of them, together with his manifest zeal in the investigation made by him under direction of the Department of Justice, I feel sure that his assistance, counsel, and advice would be of very material aid to you in the matter, and that he will willingly cooperate with you in every proper way.

October 6, 1895, Inspector McCormick reported the result of his conconference with the governor of Wyoming, as follows:

In company with the United States district attorney of Wyoming, General Coppinger, and several of the United States Army officers, the prearranged interview with Governor Richards took place in his office (September 29), with the results as shown by the correspondence forwarded from Cheyenne to the Department. Governor Richards in this conference was unwilling to concede the Indians any rights under their treaty to hunt in Wyoming, claiming that said treaty rights were abrogated by the laws. After considerable preliminary discussion he readily accepted the proposition to make a test case, strictly in accordance with my instructions, save that two Indians, instead of one, should be arrested. I readily accepted the suggestion after a consultation with the district attorney, Governor Richards, as shown by the correspondence, pledging himself to abide the decision of the courts and use his State machinery to enforce same. This part of my mission being successfully accomplished I proceeded on the following morning, September 30, to Fort Hall, arriving at midnight. Upon the following day, October 1, after consultation with Agent Teter, we made arrangements to secure two Indians, who filled the requirements for the test case. These two Indians, in charge of the agent with an interpreter, left the agency on October 2, arriving in Evanston, Wyo., October 3, where they now are.

In further compliance with my instructions, I called a council of the Bannocks and Shoshones on Saturday, October 5, this being ration day and most convenient to them. I pursued in this council a course as outlined in my instructions; I urged upon them to rely implicitly upon the Department for a redress of all their wrongs and grievances, pledging them that no effort would be spared to restore to them guaranteed rights and also the punishment of their murderers. After a talk lasting *over an hour and* then listening to their wrongs, I asked the head men individually

if they intended to heed my advice and leave this whole matter to the Department. With one accord they all agreed. I think I can safely say that I have discovered no disposition on the part of a single Indian to undertake for himself any revenge, but that he is relying implicitly upon the Government to right him in this matter. There seems to be none of the soreness or sullenness that one would ordinarily expect to see after the perpetration of such a dastardly, cowardly, preconcerted, outrageous crime as was inflicted upon these defenseless persons by the so-called law officers of Wyoming.

My instructions state that I shall make a report of the action taken by me on this mission and the results thereof, etc.

I have given, as concisely as I could, my action and the results. Ordinarily I would stop here, but there is too much involved. I may be trespassing upon forbidden ground to make any recommendations as to the future settlement of this question, but being here upon the ground and foreseeing, as I believe, what will be the result, I can not refrain from making a suggestion, which sooner or later will be taken.

When this test case is decided, and the courts uphold (as I suppose they will) the treaty rights as guaranteed to these Indians, one point will be gained, a principle will be established, and that is all; but establishing the right of these Indians to hunt on public or unoccupied lands does not protect them in that right. * * * Therefore, I would respectfully suggest that means or steps be taken to treat with these Indians for the relinquishment of their treaty rights to hunt upon unoccupied land.

Following out the above instructions given to the inspector, Agent Teter telegraphed this office October 7, 1895, as follows:

Indians are in custody here for purpose of test case. Must have habeas corpus proceedings tried at once to avoid trouble by keeping them in custody. Please instruct United States attorney for Wyoming to proceed without delay. Answer at this point.

This telegram was submitted for Department consideration October 7, 1895, with recommendation that a copy of the same be transmitted to the Attorney-General, with request that the United States attorney for Wyoming be telegraphed to institute habeas corpus proceedings at once for the release of the Indians. October 7, 1895, the Attorney-General replied that he had telegraphed the United States attorney at Cheyenne "forthwith to issue writs of habeas corpus for the two Ind ans arrested for the test case."

The case was tried in the United States circuit court before Judge Riner, who, November 21, 1895, decided that the laws of Wyoming are invalid against the treaty rights of the Indians, and affirmed their right to hunt game on the unoccupied public lands of Wyoming in and out of season, and discharged Race Horse from custody. The case, however, was at once appealed by the attorney-general of Wyoming to the United States Supreme Court.

October 12, 1895, Agent Teter telegraphed this office: "I will request the withdrawal of troops from the Fort Hall Reservation, and (as) the Indians are quiet and peaceable." This telegram was communicated to the War Department, and November 1 the Secretary of War replied to the Department, as follows:

I have the honor to acknowledge the receipt of your letter of the 15th ultimo, transmitting, for such action as may be deemed proper, a copy of a communication from the Commissioner of Indian Affairs, who states that, as the Indians of the Fort

Hall Agency are quiet and peaceable, the agent requests the withdrawal of the troops from the agency, and to inform you that the commanding general, Department of the Platte, under date of the 21st ultimo, reports that it had been his intention to withdraw these troops prior to the end of the month, and that in view of your communication he has issued orders for their withdrawal without delay.

December 7, 1895, Agent Teter reported that the decision of the United States circuit court in the case of Race Horse was well understood by the Indians of the Fort Hall agency, and that in his opinion it would be absolutely necessary to adopt measures to settle the question of the hunting privilege of the Indians on unoccupied Government land, "in order to prevent a recurrence in the year 1896 of the Jacksons Hole troubles of the past July." He recommended the appointment of a commission to negotiate with the Indians for a relinquishment of their treaty rights to hunt on unoccupied public land. A provision to this effect was incorporated in the Indian appropriation act approved June 10, 1896.

May 25, 1896, the Supreme Court reversed the judgment of the circuit court, and directed the discharge of the writ and the remanding of the prisoner to the custody of the sheriff. This opinion of the Supreme Court, to which Mr. Justice Brown dissented, is given herewith in full, as follows:

Supreme Court of the United States. No. 841.—October Term, 1895. John H. Ward, sheriff of the county of Uinta, in the State of Wyoming, appellant, *vs.* Race Horse. Appeal from the circuit court of the United States for the District of Wyoming. May 25, 1896.

This appeal was taken from an order of the court below, rendered in a habeas corpus proceeding, discharging the appellee from custody (70 Fed. Rep., 598). The petition for the writ based the right to the relief, which it prayed and which the court below granted, on the ground that the detention complained of was in violation of the Constitution and laws of the United States, and in disregard of a right arising from and guaranteed by a treaty made by the United States with the Bannock Indians. Because of these grounds the jurisdiction below existed, and the right to review here obtains. (Revised Statutes, § 753; act of March 3, 1891, 36 Stat., 826.) The record shows the following material facts: The appellee, the plaintiff below, was a member of the Bannock tribe of Indians, retaining his tribal relations and residing with it in the Fort Hall Indian Reservation. This reservation was created by the United States in compliance with a treaty entered into between the United States and the Eastern Band of Shoshones and the Bannock tribe of Indians, which took effect February 24, 1869 (15 Stat., 673). Article 2 of this treaty, besides setting apart a reservation for the use of the Shoshonees, provided:

"It is agreed that whenever the Bannocks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the 'Port Neuf' and 'Kansas Prairie' countries."

In pursuance of the foregoing stipulation the Fort Hall Indian Reservation was set apart for the use of the Bannock tribe.

Article 4 of the treaty provided as follows:

"The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt upon the unoccupied lands of the United States so

long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts."

In July, 1868, an act had been passed erecting a temporary government for the Territory of Wyoming (15 Stat., 178), and in this act it was provided as follows:

"That nothing in this act shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long as such right shall remain unextinguished by treaty between the United States and such Indians."

Wyoming was admitted into the Union on July 10, 1890 (26 Stat., 222). Section 1 of that act provides as follows:

"That the State of Wyoming is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed."

The act contains no exception or reservation in favor of or for the benefit of Indians.

The legislature of Wyoming, on July 20, 1895 (Laws of Wyoming, 1895, c. 98, p. 225), passed an act regulating the killing of game within the State. In October, 1895, the district attorney of Uinta County, State of Wyoming, filed an information against the appellee (Race Horse) for having killed in that county seven elk in violation of the law of the State. He was taken into custody by the sheriff, and it was to obtain a release from imprisonment authorized by a commitment issued under these proceedings that the writ of habeas corpus was sued out. The following facts are unquestioned: 1st, that the elk were killed in Uinta County, Wyoming, at a point about one hundred miles from the Fort Hall Indian Reservation, which is situated in the State of Idaho; 2d, that the killing was in violation of the laws of the State of Wyoming; 3d, that the place where the killing took place was unoccupied public land of the United States, in the sense that the United States was the owner of the fee of the land; 4th, that the place where the elk were killed was in a mountainous region some distance removed from settlements, but was used by the settlers as a range for cattle, and was within election and school districts of the State of Wyoming.

Mr. Justice White, after stating the case, delivered the opinion of the court:

It is wholly immaterial, for the purpose of the legal issue here presented, to consider whether the place where the elk were killed is in the vicinage of white settlements. It is also equally irrelevant to ascertain how far the land was used for a cattle range, since the sole question which the case presents is whether the treaty made by the United States with the Bannock Indians gave them the right to exercise the hunting privilege, therein referred to, within the limits of the State of Wyoming in violation of its laws. If it gave such right, the mere fact that the State had created school districts or election districts, and had provided for pasturage on the lands, could no more efficaciously operate to destroy the right of the Indian to hunt on the lands than could the passage of the game law. If, on the other hand, the terms of the treaty did not refer to lands within a State, which were subject to the legislative power of the State, then it is equally clear that, although the lands were not in school and election districts and were not near settlements, the right conferred on the Indians by the treaty would be of no avail to justify a violation of the State law.

The power of a State to control and regulate the taking of game can not be questioned. (Geer *v.* Connecticut, 161 U. S., 519.) The text of article 4 of the treaty, relied on as giving the right to kill game within the State of Wyoming, in violation of its laws, is as follows:

"But they shall have the right to hunt on the unoccupied lands of the United States, so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts."

It may at once be conceded that the words "unoccupied lands of the United States," if they stood alone, and were detached from the other provisions of the treaty on the same subject, would convey the meaning of lands owned by the United States, and the title to or occupancy of which had not been disposed of. But in interpreting these words in the treaty they can not be considered alone, but must be construed with reference to the context in which they are found. Adopting this elementary method, it becomes at once clear that the unoccupied lands contemplated were not all such lands of the United States wherever situated, but were only lands of that character embraced within what the treaty denominates as hunting districts.

This view follows as a necessary result from the provision which says that the right to hunt on the unoccupied lands shall only be availed of as long as peace subsists on the borders of the hunting districts. Unless the districts thus referred to be taken as controlling the words unoccupied lands, then the reference to the hunting districts would become wholly meaningless, and the cardinal rule of interpretation would be violated which ordains that such construction be adopted as gives effect to all the language of the statute. Nor can this consequence be avoided by saying that the words "hunting districts" simply signified places where game was to (be) found, for this would read out of the treaty the provision as "to peace on the borders" of such districts, which clearly pointed to the fact that the territory referred to was one beyond the borders of the white settlements. The unoccupied lands referred to being therefore contained within the hunting districts, by the ascertainment of the latter the former will be necessarily determined, as the less is contained in the greater. The elucidation of this issue will be made plain by an appreciation of the situation existing at the time of the adoption of the treaty, of the necessities which brought it into being, and of the purposes intended to be by it accomplished.

When, in 1868, the treaty was framed the progress of the white settlements westward had hardly, except in a very scattered way, reached the confines of the place selected for the Indian reservation. Whilst this was true, the march of advancing civilization foreshadowed the fact that the wilderness which lay on all sides of the point selected for the reservation was destined to be occupied and settled by the white man, hence interfering with the hitherto untrammeled right of occupancy of the Indian. For this reason, to protect his rights and to preserve for him a home where his tribal relations might be enjoyed under the shelter of the authority of the United States, the reservation was created. Whilst confining him to the reservation, and in order to give him the privilege of hunting in the designated districts, so long as the necessities of civilization did not require otherwise, the provision in question was doubtless adopted, care being, however, taken to make the whole enjoyment in this regard dependent absolutely upon the will of Congress. To prevent this privilege from becoming dangerous to the peace of the new settlements as they advanced, the provision allowing the Indian to avail himself of it only whilst peace reigned on the borders was inserted. To suppose that the words of the treaty intended to give to the Indian the right to enter into already established States and seek out every portion of unoccupied Government land and there exercise the right of hunting, in violation of the municipal law, would be to presume that the treaty was so drawn as to frustrate the very object it had in view. It would also render necessary the assumption that Congress, whilst preparing the way, by the treaty, for new settlements and new States, yet created a provision not only detrimental to their future well-being, but also irreconcilably in conflict with the powers of the States already existing. It is undoubted that the place in the State of Wyoming where the game in question was killed was at the time of the treaty, in 1868, embraced within the hunting districts therein referred to. But this fact does not justify the implication that the treaty authorized the continued enjoyment of the right of killing game therein when the territory ceased to be a part of the hunting districts and came within the authority and jurisdiction of a State. The right to hunt given by the treaty clearly contemplated the disappearance of the conditions therein specified. Indeed, it made the right depend on whether the land in the hunting districts was unoccupied public land of the United States.

This, as we have said, left the whole question subject entirely to the will of the United States, since it provided, in effect, that the right to hunt should cease the moment the United States parted with the title to its land in the hunting districts. No restraint was imposed by the treaty on the power of the United States to sell, although such sale, under the settled policy of the Government, was a result naturally to come from the advance of the white settlements in the hunting districts to which the treaty referred. And this view of the temporary and precarious nature of the right reserved in the hunting districts is manifest by the act of Congress creating the Yellowstone Park Reservation, for it was subsequently carved out of what constituted the hunting districts at the time of the adoption of the treaty, and is a clear indication of the sense of Congress on the subject. (17 Stat., 32; 28 Stat., 73.) The construction which would affix to the language of the treaty any other meaning than that which we have above indicated would necessarily imply that Congress had violated the faith of the Government and defrauded the Indians by proceeding immediately to forbid hunting in a large portion of the Territory where it is now asserted there was a contract right to kill game created by the treaty in favor of the Indians.

The argument now advanced in favor of the continued existence of the right to hunt over the land mentioned in the treaty, after it had become subject to State authority, admits that the privilege would cease by the mere fact that the United States disposed of its title to any of the land, although such disposition, when made to an individual, would give him no authority over game, and yet that the privilege continued when the United States had called into being a sovereign State, a necessary incident of whose authority was the complete power to regulate the killing of game within its borders. This argument indicates at once the conflict between the right to hunt in the unoccupied lands within the hunting districts and the assertion of the power to continue the exercise of the privilege in question in the State of Wyoming in defiance of its laws. That "a treaty may supersede a prior act of Congress, and an act of Congress supersede a prior treaty," is elementary. (Tong Yue Ting *v.* United States, 149 U. S., 698; The Cherokee Tobacco, 11 Wall., 621.) In the last case it was held that a law of Congress imposing a tax on tobacco, if in conflict with a prior treaty with the Cherokees, was paramount to the treaty. Of course the settled rule undoubtedly is that repeals by implication are not favored, and will not be held to exist if there be any other reasonable construction. (Cope *v.* Cope, 137 U. S., 682, and authorities there cited.) But in ascertaining whether both statutes can be maintained it is not to be considered that any possible theory, by which both can be enforced, must be adopted, but only that repeal by implication must be held not to have taken place if there be a reasonable construction, by which both laws can coexist consistently with the intention of Congress. (United States *v.* Sixty-seven Packages Dry Goods, 17 How., 87; District of Columbia *v.* Hutten, 143 U. S., 18; Frost *v.* Wenie, 157 U. S., 46.) The act which admitted Wyoming into the Union, as we have said, expressly declared that that State should have all the powers of the other States of the Union, and made no reservation whatever in favor of the Indians. These provisions alone considered would be in conflict with the treaty if it was so construed as to allow the Indians to seek out every unoccupied piece of Government land and thereon disregard and violate the State law, passed in the undoubted exercise of its municipal authority. But the language of the act admitting Wyoming into the Union, which recognized her coequal rights, was merely declaratory of the general rule.

In Pollard *v.* Hagan, 3 How., 212 (1845), the controversy was to the validity of a patent from the United States to lands situate in Alabama, which at the date of the formation of that State were part of the shore of the Mobile River between high and low water mark. It was held that the shores of navigable waters and the soil under them were not granted by the Constitution to the United States, and hence the jurisdiction exercised thereover by the Federal Government before the formation of the

new State was held temporarily and in trust for the new State to be thereafter created, and that such State, when created, by virtue of its being possessed the same rights and jurisdiction as had the original States. And, replying to an argument based upon the assumption that the United States had acquired the whole of Alabama from Spain, the court observed that the United States would then have held it subject to the Constitution and laws of its own Government. The court declared (p. 229) that to refuse to concede to Alabama sovereignty and jurisdiction over all the territory within her limits would be to "deny that Alabama has been admitted into the Union on an equal footing with the original States." The same principles were applied in Louisiana *v.* First Municipality (3 How., 589).

In Withers *v.* Buckley, 20 How., 84 (1857), it was held that a statute of Mississippi creating commissioners for a river within the State and prescribing their powers and duties was within the legitimate and essential powers of the State. In answer to the contention that the statute conflicted with the act of Congress which authorized the people of Mississippi Territory to form a constitution, in that it was inconsistent with the provision in the act that "the navigable rivers and waters leading into the same shall be common highways, and forever free, as well to the inhabitants of the State of Mississippi as to other citizens of the United States," the court said (p. 92):

"In considering this act of Congress of March 1, 1817, it is unnecessary to institute any examination or criticism as to its legitimate meaning, or operation, or binding authority, farther than to affirm that it could have no effect to restrict the new State in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the confederacy with which it was to be associated. These conclusions follow from the very nature and objects of the confederacy, from the language of the Constitution adopted by the States, and from the rule of interpretation pronounced by this court in the case of Pollard's Lessee *v.* Hagan (3 How., 223)."

A like ruling was made in Escanaba Co. *v.* Chicago, 107 U. S., 678 (1882), where provisions of the ordinance of 1787 were claimed to operate to deprive the State of Illinois of the power to authorize the construction of bridges over navigable rivers within the State. The court, through Mr. Justice Field, said (p. 683):

"But the States have full power to regulate within their limits matters of internal police, including in that general designation whatever will promote the peace, comfort, convenience, and prosperity of their people."

And it was further added (p. 688):

"Whatever the limitation upon her powers as a government whilst in a Territorial condition, whether from the ordinance of 1787 or the legislation of Congress, it ceased to have any operative force, except as voluntarily adopted by her, after she became a State of the Union. On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted, and could be admitted, only on the same footing with them. * * * Equality of the constitutional right and power is the condition of all the States of the Union, old and new."

In Cardwell *v.* American Bridge Company, 113 U. S., 205 (1884), Escanaba Company *v.* Chicago, supra, was followed, and it was held that a clause in the act admitting California into the Union which provided that the navigable waters within the State shall be free to citizens of the United States in no way impaired the power which the State could exercise over the subject if the clause in question had no existence. Mr. Justice Field concluded the opinion of the court as follows (p. 212):

"The act admitting California declares that she is 'admitted into the Union on an equal footing with the original States in all respects whatever.' She was not, therefore, shorn by the clause as to navigable water within her limits of any of the powers which the original States possessed over such waters within their limits."

A like conclusion was applied in the case of Willamette Iron Bridge Co. *v.* Hatch (125 U. S., 1), where the act admitting the State of Oregon into the Union was construed.

Determining, by the light of these principles, the question whether the provision of the treaty giving the right to hunt on unoccupied lands of the United States in the hunting districts is repealed in so far as the lands in such districts are now embraced within the limits of the State of Wyoming, it becomes plain that the repeal results from the conflict between the treaty and the act admitting that State into the Union. The two facts, the privilege conferred and the act of admission, are irreconcilable in the sense that the two under no reasonable hypothesis can be construed as coexisting.

The power of all the States to regulate the killing of game within their border will not be gainsaid, yet, if the treaty applies to the unoccupied land of the United States in the State of Wyoming, that State would be bereft of such power, since every isolated piece of land belonging to the United States as a private owner, so long as it continued to be unoccupied land, would be exempt in this regard from the authority of the State. Wyoming, then, will have been admitted into the Union, not as an equal member, but as one shorn of a legislative power vested in all the other States of the Union, a power resulting from the fact of statehood and incident to its plenary existence. Nor need we stop to consider the argument advanced at bar, that as the United States, under the authority delegated to it by the Constitution in relation to Indian tribes, has a right to deal with that subject, therefore it has the power to exempt from the operation of State game laws each particular piece of land owned by it in private ownership within a State, for nothing in this case shows that this power has been exerted by Congress. The enabling act declares that the State of Wyoming is admitted on equal terms with the other States, and this declaration, which is simply an expression of the general rule, which presupposes that States, when admitted into the Union, are endowed with powers and attributes equal in scope to those enjoyed by the States already admitted, repels any presumption that in this particular case Congress intended to admit the State of Wyoming with diminished governmental authority. The silence of the act admitting Wyoming into the Union as to the reservation of rights in favor of the Indians is given increased significance by the fact that Congress in creating the Territory expressly reserved such rights. Nor would this case be affected by conceding that Congress, during the existence of the Territory, had full authority in the exercise of its treaty-making power to charge the Territory, or the land therein, with such contractual burdens as were deemed best, and that when they were imposed on a Territory it would be also within the power of Congress to continue them in the State on its admission into the Union.

Here the enabling act not only contains no expression of the intention of Congress to continue the burdens in question in the State, but, on the contrary, its intention not to do so is conveyed by the express terms of the act of admission. Indeed, it may be further, for the sake of the argument, conceded that where there are rights created by Congress during the existence of a Territory which are of such a nature as to imply their perpetuity, and the consequent purpose of Congress to continue them in the State, after its admission, such continuation will, as a matter of construction, be upheld, although the enabling act does not expressly so direct. Here the nature of the right created gives rise to no such implication of continuance, since, by its terms, it shows that the burden imposed on the Territory was essentially perishable and intended to be of a limited duration. Indeed, the whole argument of the defendant in error rests on the assumption that there was a perpetual right conveyed by the treaty, when in fact the privilege given was temporary and precarious. But the argument goes further than this, since it insists that, although by the treaty the hunting privilege was to cease whenever the United States parted merely with the title to any of its lands, yet that privilege was to continue, although the United States parted with its entire authority over the capture and killing of game. Nor is there force in the suggestion that the cases of the Kansas Indians (5 Wall., 737) and the New York Indians (5 Wall., 761) are in conflict with these views. The first case (that of the Kansas Indians) involved the right of the State to tax

the land of Indians owned under patents issued to them in consequence of treaties made with their respective tribes. The court held that the power of the State to tax was expressly excluded by the enabling act. The second case (that of the New York Indians) involved the right of the State to tax land embraced in an Indian reservation which existed prior to the adoption of the Constitution of the United States. Thus these two cases involved the authority of the State to exert its taxing power on lands embraced within an Indian reservation, that is to say, the authority of the State to extend its powers to lands not within the scope of its jurisdiction, whilst this case involves a question whether, where no reservation exists, a State can be stripped by implication and deduction of an essential attribute of its governmental existence. Doubtless the rule that treaties should be so construed as to uphold the sanctity of the public faith ought not to be departed from. But that salutary rule should not be made an instrument for violating the public faith by distorting the words of a treaty, in order to imply that it conveyed rights wholly inconsistent with its language and in conflict with an act of Congress, and also destructive of the rights of one of the States. To refer to the limitation contained in the Territorial act and disregard the terms of the enabling act would be to destroy and obliterate the express will of Congress.

For these reasons the judgment below was erroneous, and must therefore be reversed, and the case must be remanded to the court below with directions to discharge the writ and remand the prisoner to the custody of the sheriff.

And it is so ordered.

Mr. Justice Brewer, not having heard the argument, takes no part in this decision.

June 17, 1896, the Attorney-General advised the Department that he had received a letter from the United States attorney for Wyoming, saying that Judge Riner desired that Race Horse, the Bannock Indian from Fort Hall Agency, who stood for the rights of his tribe in the test case, be brought before him on July 14, to be turned over to the State sheriff. As this was an agreed case to test the law, the Attorney-General said that it seemed to him that this poor Indian should not be further punished; and that as this Department made the arrangement with the State authorities for making this test case he would be glad if it would arrange with them to let the Indian go without further molestation.

Upon this communication from the Attorney-General this office reported to the Department June 22, 1896, as follows:

I am in receipt, by Department reference, of a letter of June 17, 1896, from the Attorney-General, stating that he had received a letter from the United States attorney for Wyoming, saying that Judge Riner desires that Race Horse, the Indian whose case was recently decided, be brought before him on July 14, to be turned over to the State sheriff. The Attorney-General says that as this was an agreed case to test the law, it seems to him this poor Indian should not be further punished, and as this Department made the arrangement with the State authorities for making this test case he wishes you would see if you can not arrange with them to let the Indian go without further molestation, and if you can not get them to do so he requests that you see that the Indian is produced before Judge Riner at the date named.

The Department will remember that Race Horse is the Bannock Indian whose arrest was secured through the Indian agent by arrangement made with the authorities of the State of Wyoming, through Inspector McCormick, for the purpose of testing the right of the Indians of the Shoshone Agency to hunt on the unoccupied lands of the United States within the State of Wyoming, under the fourth article of their treaty of February 24, 1869 (15 Stat. L., 673), on a writ of habeas corpus which was sued out in the district court of the United States for Wyoming.

It will also be remembered that the right of the Indians to hunt was sustained by the district court, and the writ of habeas corpus was issued releasing this Indian; but the decision of this court was overruled by the Supreme Court on May 25, 1896, in an opinion in which it was held that the said fourth article of the treaty referred to did not give the Indians a right to hunt on the unoccupied lands of the United States within the State of Wyoming contrary to the laws of that State.

At the time that the arrangement was made for the testing of the law, as has been above described, this Indian, who was only one of a number charged by the State with violations of its game laws, was at liberty and on his reservation in the State of Idaho, and none of the Indians were at that time in the custody of the State, those that had been arrested and tried having been released.

In view of the circumstances leading up to the arrest of this Indian, and the purposes for which the arrest was made, I fully concur with the Attorney-General in the belief that this Indian should not be further punished, and I am satisfied that the position of the State of Wyoming in the premises having been vindicated by the Supreme Court the authorities of that State would be willing to arrange the matter without further molesting the Indian.

I have the honor, therefore, to inclose a copy of the Attorney-General's letter with recommendation that the governor of the State of Wyoming be communicated with with a view to securing the settlement of the matter without further punishment of the Indian.

The Department on June 23, 1896, communicated with Governor Richards, of Wyoming, concerning the case, and on July 1, 1896, received his reply, as follows:

I have the honor to acknowledge the receipt of your letter of June 23, 1896, inclosing letters from the Attorney-General and the Commissioner of Indian Affairs relating to the Bannock Indian, Race Horse. In these letters it is suggested that this Indian should not be further punished, as the case in which he is a defendant was an agreed case to test the law. The State has no intention of inflicting upon Race Horse the punishment to which he is liable under our statutes, but does desire to close up the case in such a way that he and all of the Indians who claimed hunting privileges under their treaty will understand that they have no such rights and are amenable to the authority of the State if they kill game in violation of our statutes.

To accomplish this purpose, I believe it to be best to have Race Horse brought before Judge Riner upon July 14, as he desires, to be turned over to the sheriff of Uinta County, who will take him before Judge Knight, of the district court for that county. Upon this being done, I am assured by County and Prosecuting Attorney Hamm of Uinta County that he will at once move the discharge of the prisoner, and there is no doubt that Judge Knight will so order.

I believe this course to be best both for the Indian Department and the State. Race Horse and the Indians who accompanied him were much pleased with Judge Riner's decision and returned to Fort Hall convinced that the State authorities had no power over them. It will be a difficult matter to get them to understand that the contrary is true while they are allowed to go unmolested and even uncensured for the violation of our laws. If their experience in this matter has taught them anything, it is that they are only amenable to the Federal authority. Upon the other hand, if Race Horse is brought back to the district court of Uinta County and Judge Knight informs him that he has the power to punish him for the offense he has committed, but upon this occasion will deal leniently with him and forgive him on account of his ignorance of the law, the lesson will be one that he and all other Indians will comprehend, and its effect will be to cause them to respect State and county authority, which will save the Department and the State a vast amount of trouble.

I therefore respectfully request that Race Horse be returned to the custody of Sheriff Ward, of Uinta County, in accordance with the mandate of the Supreme Court.

On July 6, 1896, the Attorney-General referred to this Department a letter from the United States attorney for Wyoming, concerning the case of Race Horse, with request that the suggestions therein be promptly acted upon, and with the statement that he had secured what he started out for, viz, "The release of the poor fellow who stood for the rights of his tribe." The attorney's letter, dated June 29, 1896, reads as follows:

I have seen Governor Richards and Mr. Fowler, the attorney-general of the State, with respect to the Race Horse matter, and they desire that he be brought into court and turned over to the State authorities, in accordance with the mandate of the Supreme Court of the United States. They say that as soon as this is done they will then take him into the district court of Uinta County, Wyo., in which court the information was originally filed charging him with killing game in violation of the laws of the State, and there at once enter a nolle prosequi in his case, their object being, according to their statement to me, to thoroughly impress upon the Indians the fact that they have not the right to hunt game in violation of the laws of the State.

Judge Riner seems to be firmly convinced that it is his bounden duty to turn this Indian over to the State authorities in accordance with the order of the Supreme Court, and if he is not brought here he says that he will certainly issue a bench warrant for his apprehension. From what I have been told of the situation at the Bannock Agency, I feel pretty sure that if the Indian should be arrested under a bench warrant and brought here by the marshal, it would cause very serious difficulty with the other Indians upon the agency, and to avoid this and save the Government both trouble and expense, the best thing to do would be for the Department of the Interior to bring this man down and go through the formality desired by the State authorities.

The above correspondence having been referred to this office, I telegraphed as follows on July 10:

To the district attorney:

Have this day written Agent Teter to have Race Horse in court. Please ask Judge Riner to extend time for his appearance until agent can have received my letter and acted upon it.

To Governor Richards:

Have to-day written Agent Teter directing him to have Race Horse in court. Also telegraphed United States attorney to ask extension of time for his appearance.

To Agent Teter:

Have written you to-day relative to turning over Race Horse to State authorities. Have assurance from Governor Richards that he will be discharged by State court.

I also wrote Agent Teter as follows:

Referring to the matter of the arrest and trial of Race Horse, an Indian of your agency, for violations of the game laws of Wyoming during the year 1895, in which the United States Supreme Court has held that the Indians do not possess the right under their treaty of February 24, 1869 (15 Stat. L., 673), to hunt on the unoccupied lands of the United States within the State of Wyoming, contrary to the game laws of that State, I have to inclose herewith for your information a copy of a letter of July 6, 1896, from the Department of Justice, transmitting a letter to the Attorney-General from the United States attorney for Wyoming, and also copy of a letter of July 1, 1896, from the governor of Wyoming to the Secretary of the Interior.

You will observe from these letters that Judge Riner, the United States judge,

who tried the application for the writ of habeas corpus in the district court in this case, has directed that Race Horse be brought before him on the 14th of this month to be turned over to the State authorities in accordance with the mandate of the Supreme Court.

You will also observe that both this Department and the Department of Justice have endeavored to secure the dismissal of further proceedings in this case without the arrest of the Indian being made necessary, and that Governor Richards and Mr. Fowler, the attorney-general of Wyoming, have given their assurance that it is not the intention of the State authorities to punish Race Horse for the offenses charged against him, but that they desire and require that he shall be arrested and turned over to them in accordance with Judge Riner's order.

They promise that when this Indian is arrested and turned over to the State authorities he will be brought before the proper State court and discharged from custody in the regular manner.

This course is deemed necessary by the State authorities in order that the Indians shall be impressed with the fact that the Supreme Court of the United States, the highest judicial authority in this country, has decided against their right to hunt in the State of Wyoming in violation of its game laws.

In his letter to the Attorney-General the district attorney advises him that Judge Riner feels it his duty to turn Race Horse over to the State authorities, and will issue a bench warrant for his arrest unless he be brought into court on the day on which he is ordered to appear, and the district attorney believes that much harm would result if the necessity for the issuance of the bench warrant and its service upon this Indian should arise.

You will explain this matter fully to Race Horse and to the Indians, and will see that he is in court to be turned over to the State authorities. You will tell him of the assurance given this Department by the State authorities that he will not be punished.

I have this day telegraphed Governor Richards and the United States attorney advising them of this letter to you, and it is presumed that on a representation of the fact that the Department has instructed you to have the Indian in court, Judge Riner will extend the day for his appearance.

The agent, on July 14, 1896, telegraphed the following:

Communication 10th instant directing Race Horse be brought before Judge Riner on 14th instant received this date. Therefore impossible. I have wired United States attorney to arrange a later date.

July 27, 1896, Agent Teter reported that his clerk, Mr. Macbeth, had returned Race Horse on the 20th of July to the United States district court, and three days later had delivered him to the custody of Sheriff Ward, of Uinta County, who released the Indian on a $500 bond for his appearance upon September 7, 1896, the date of the next session of the district court of Uinta County; also that the clerk had given his personal check for the bond, from which he asked to be released, as he needed the money. The agent stated further, that he had been assured by County and Prosecuting Attorney Hamm of Uinta County, that owing to the good faith displayed by the Department in the matter, he would enter a nolle prosequi in the case as soon as Race Horse should be brought before Judge Knight, of the district court for Uinta County.

The agent therefore suggested that if I would give Judge Knight my assurance as Commissioner that the Indian would be returned to custody, he might make the bond nominal and thus release Mr. Macbeth

from his obligation. August 7 I wrote Judge Knight assuring him that this Department would be responsible for the return to custody of Race Horse when needed, and asked that he make the bond nominal. I also advised County and Prosecuting Attorney Hamm of this action, and expressed the hope that the friendly relations which seem to have been established between the representatives of this Department and the local (Uinta County) authorities might continue, so that in the future harmonious action might forestall the misunderstandings and troubles so likely to occur between Indians and whites.

## CHEROKEE FREEDMEN, DELAWARES, AND SHAWNEES.

Since the date of the last annual report of this office, giving the status of these parties (pp. 81–84), the Court of Claims has issued final decrees in each case, respecting their claims upon the Cherokee Outlet funds, as follows:

No. 16837. Charles Journeycake, Principal Chief of the Delaware Indians, *v.* The Cherokee Nation and the United States.

No. 16856. Johnson Blackfeather, Principal Chief of the Shawnee tribe of Indians, *v.* The United States and the Cherokee Nation.

No. 17209. Moses Whitmire, Trustee for the Freedmen of the Cherokee Nation, *v.* The Cherokee Nation and the United States.

There have been three decrees in the case of the Delawares, viz:

1. April 24, 1893, fixing their status in the Cherokee Nation (28 C. Cls. R., 281).

2. March 18, 1895, first, as to the grass-money fund, $600,000, decreeing that 26,771 was the whole number of the Cherokee Nation, and that 759 of that number were Delawares and entitled to $\frac{759}{26771}$ of $600,000, or $17,011, or $22.41 per capita; second, decreeing that they were entitled to $\frac{759}{26771}$ of $6,640,000, or $188,254, or $248.03 per capita (30 C. Cls. R., 172).

3. January 27, 1896, determining how the fund shall be distributed. The number of beneficiaries not to be fixed by the court, but by the Secretary of the Interior.

There have been four decrees in the case of the Shawnees, viz:

1. June 12, 1893, fixing their status in the Cherokee Nation (28 C. Cls. R., 447) determining the number of the Cherokee Nation as 26,771, and that 624 of that number were Shawnees and entitled to $\frac{624}{26771}$ of $593,625 (grass-money fund distributed by Cherokees), or $13,834.08, or $22.17 per capita.

2. May 21, 1895, fixing the number of Shawnees as 737 instead of 624, and changing the number and amount of former decree to 737 and $21,852, and allowing Charles Brownell, attorney, $300 costs in addition to fees, and allowing Johnson Blackfeather for expenses, etc., $2,000, the $2,300 to be paid by the Cherokees. This decree further stated that there was due the Shawnees the sum of $226.69 per capita to 737 persons, or a total sum on supplemental petition of $167,070.53, making

a total of $188,922.58, which with the $2,300 additional for costs, made a grand total of $191,222.58. This decree was, however, subsequently set aside by decrees of January 27 and March 9, 1896, which follow.

3. January 27, 1896, decreeing that the Secretary of the Interior was the official guardian of the Delaware and Shawnee Indians, charged by law with the duty of ascertaining their individual identity, and of determining who were Delawares and who were Shawnees.

4. March 9, 1896, decreeing that the original decree of June 12, 1893, extended to and applied to the Outlet fund, and that costs of suit, then awarded against the Cherokee Nation, should be paid out of said fund. It confirmed its former decree that the Shawnees were entitled to $13,834.08 out of the grass money and $\frac{6}{2}\frac{2}{8}\frac{4}{7}\frac{4}{1}$ out of the $6,640,000 of the Outlet money, $154,770.46, making in all $168,604.54; and, as Blackfeather had been paid the award of May 21, 1895, that portion of said decree was also confirmed.

There have been five decrees in the case of the freedmen, viz:

1. March 4, 1895, fixing the status of the freedmen in the Cherokee Nation (30 C. Cls. R., 138).

2. March 18, 1895, fixing the number of the freedmen as 3,524, by taking the Wallace approved roll as furnishing the true number. The conclusion of the court was that 1,472—the difference between the number 2,052, used in making the total Cherokee population 26,771, and the number 3,524, Wallace approved roll—should be added to 26,771, making the Cherokee population 28,243, and that the recovery of the freedmen in the whole fund of $7,240,000 ($600,000 grass money and $6,640,000 Outlet money) be in that proportion viz, $\frac{3}{2}\frac{5}{8}\frac{2}{2}\frac{4}{4}\frac{4}{3}$ of $7,240,000, or $903,365. It decreed further that the Secretary of the Interior should cause the Wallace roll to be amended by adding thereto descendants born since March 3, 1883, and living May 3, 1894, and by striking therefrom the names of those who had died or ceased to be citizens of the nation prior to May 3, 1894, so that the roll thus changed should represent the freedmen entitled to participate in the fund awarded.

3. May 8, 1895, fixing a limit to such freedmen as had not forfeited or abjured their Cherokee citizenship at the date of entering this decree, and reaffirming its former decree as to the Wallace roll, and authorizing the Secretary of the Interior to appoint a commission to proceed to the Cherokee Nation and ascertain and report the facts necessary for the correction of the Wallace roll, the Cherokee Nation to have the right to have a representative present to advise concerning the same, who should have full cognizance of all corrections made to said roll. After the new and corrected roll had been made and been approved by the Secretary of the Interior, he was to cause the amount remaining of said $903,365 to be paid and distributed to the freedmen, free colored persons, and their descendants entitled thereto, not to exceed the sum of $256.34 per capita, the remainder, if any, to be paid to the Cherokee Nation as other moneys are paid which are provided for in the agreement made between the nation and the Secretary of the Interior.

The court allowed R. H. Kern, the attorney, 2 per cent of the amount of the recovery, $18,067.30, and 4 per cent more of the recovery, $36,134, charging the former amount to the Cherokee Nation, and allowed Moses Whitmire $5.000 as trustee, etc., chargeable to the freedmen fund.

4. January 27, 1896, overruling the application for the appointment of commissioners to take an entirely new census and for a judgment, subject to revision, of $1,300,000.

5. February 3, 1896, setting aside the Wallace approved roll, and authorizing the Secretary of the Interior to appoint three commissioners, one to be nominated by the Cherokee Nation and one by the freedmen, to proceed to the Cherokee Nation and hear any testimony that might be offered by parties to the suit, both for and against the identity of all freedmen, free colored persons and their descendants, claiming to be entitled to share in the distribution of the $903,365, the purpose being to ascertain and determine who are the individual freedmen of the Cherokee Nation entitled to share in that fund. Those commissioners are, therefore, to ascertain who of said persons on the authenticated roll were alive and what descendants were alive on May 3, 1894. The court decreed the payment of the money to the persons entitled, not, however, to exceed $256.34 per capita, the cost of such distribution and payment to be a charge upon the fund of complainants. The sum of $6,500 was allowed for compensation of commissioners and expenses and costs incidental to the ascertainment of the individual complainants, one-half to be paid by the freedmen and deducted from the recovery, the other half to be paid by the Cherokees.

The following figures show the status of the funds under the decrees:

*Statement of accounts.*

| | |
|---|---|
| Delaware account (No. 16837): | |
| 2. Decree of March 18, 1895— | |
| Grass money | $17,011.00 |
| Outlet money | 188,254.00 |
| Total | 205,265.00 |
| Shawnee account (No. 16856): | |
| 4. Decree of March 9, 1896 – | |
| Grass money | 13,834.08 |
| Outlet money | 154,770.46 |
| Total | 168,604.54 |
| Freedmen account (No. 17209): | |
| 5. Decree of February 3, 1896, grass and Outlet money | 903,365.00 |

*Fees.*

| | Cherokees. | Out of fund. |
|---|---|---|
| **DELAWARES.** | | |
| Paid T. C. Fletcher, attorney: | | |
| 10 per cent on $17,011 | $1,701.10 | |
| 6 per cent on $188,254 | | $11,295.24 |
| Paid Charles Journeycake, trustee, paid under his approved contract | | 19,494.51 |
| Total | 1,701.10 | 30,789.75 |
| **SHAWNEES.** | | |
| Paid Charles Brownell, attorney: | | |
| 10 per cent on $21,852.05 | | 2,185.20 |
| 6 per cent on $167,070.53 | | 10,024.23 |
| Paid Charles Brownell, fees | 300.00 | |
| Paid Johnson Blackfeather, trustee | 2,000.00 | |
| Total | 2,300.00 | 12,209.43 |
| **FREEDMEN.** | | |
| Paid R. H. Kern, attorney: | | |
| 2 per cent on $903,365 | 18,067.30 | |
| 4 per cent on $903,365 | | 36,134.60 |
| Paid Moses Whitmire, trustee | | 5,000.00 |
| Cost of taking census, allowed by court | 3,250.00 | 3,250.00 |
| Total | 21,317.30 | 44,384.60 |

*Summary.*

| | | |
|---|---|---|
| Sums allowed by the court: | | |
| Freedmen | | $903,365.00 |
| Delawares | | 205,265.00 |
| Shawnees | | 168,604.54 |
| | | 1,277,234.54 |
| Fees to be paid by Cherokees: | | |
| Delawares | $1,701.10 | |
| Shawnees | 2,300.00 | |
| Freedmen | 21,317.30 | |
| | | 25,318.40 |
| Money taken out of fund (to be reimbursed) for 70 allotments | 7,840.00 | |
| Add two years' interest, to March 3, 1895 | 627.20 | |
| | | 8,467.20 |
| Total | | 1,311,020.14 |

*Statement of account with Cherokee Nation.*

| | | |
|---|---|---|
| Amount retained in Treasury | | $1,660,000.00 |
| Amount interest accrued, at 4 per cent, to March 3, 1895 | | 132,800.00 |
| Amount on hand | | 1,792,800.00 |
| By amount of recovery, as per decrees of court | $1,277,234.54 | |
| Fees to be paid by Cherokees not included in amount of recovery | 25,318.40 | |
| Sum retained out of fund for 70 allotments, reimbursable, including two years' interest | 8,467.20 | |
| | | 1,311,020.14 |
| Balance | | 481,779.86 |

The sum of $481,779.86 was paid to the Cherokee authorities by the Secretary of the Treasury August 12, 1896, upon a statement and order from the Secretary of the Interior.

In pursuance of these decrees, a census of the Delaware Indians as of May 3, 1894, has been made, and upon such census the members of the Delaware tribe incorporated in the Cherokee Nation have been paid the money awarded them in the foregoing decree.

A census is now being made of the Shawnee Indians, as of May 3, 1894, in accordance with the decree of the Court of Claims, by Special Indian Agent James G. Dickson, under instructions from this office. When said roll is completed and approved, steps will be taken to disburse the money awarded the Shawnees.

As provided in the decree of February 3, 1896, in the case of the freedmen, the Secretary of the Interior appointed three commissioners, viz, William Clifton, of Darien, Ga.; W. P. Thompson, of Indian Territory, nominated by the Cherokees, and R. H. Kern, of St. Louis, Mo., nominated by the freedmen, to proceed to the Cherokee Nation and hear the testimony and ascertain who are entitled to share in the distribution of the said $903,365. Instructions approved by the Secretary of the Interior February 20, 1896, were issued to this commission, who entered upon their duty April 23, 1896. They have reported their work as completed and are preparing the evidence to be submitted with their report for the consideration and review of the Department. Until the report is received and schedule of names is approved no portion of the $903,365 can be disbursed to the freedmen.

In the petition of the several claimants, which was the subject of the joint decree of January 27, 1896, it appears that the Delawares claimed to number 876 persons, and the Shawnees to number 830 persons, and the freedmen asked for a new census to be taken and moved to enlarge the decree from $903,365 to $1,300,000. The Court of Claims overruled the several applications.

It is known that out of this Outlet money the Cherokee authorities paid to its own members by blood the sum of $295.35 per capita. The following statements show what would be required to pay the Delawares, Shawnees, and freedmen at the same rate:

| | |
|---|---|
| To pay the 876 Delawares $295.35 per capita would take.... | $258,726.61 |
| The sum allowed by the Court of Claims is..... | 205,265.00 |
| Difference ..... | 53,461.61 |
| To pay the 830 Shawnees $295.35 per capita would take.... | $245,140.54 |
| The sum allowed by the Court of Claims is..... | 168,604.54 |
| Difference ..... | 76,536.00 |
| To pay the 3,524 freedmen (number on Wallace approved roll) $295.35 per capita would take..... | $1,040,813.40 |
| The sum allowed by the Court of Claims is..... | 903,365.00 |
| Difference..... | 137,448.40 |

The Cherokee council, by act approved March 30, 1896, appropriated these additional sums to be paid the Delawares and Shawnees to make their per capita payment equal to that paid the Cherokees by blood.

The freedmen, however, in laying the matter before the Cherokee council, claimed a number largely in excess of the number enumerated on the approved Wallace roll. The Cherokee council appropriated the sum of $400,000 to meet the unascertained claim upon them so as to make the per capita rate $295.35 for each freedman found to be entitled to participate in that fund.

The acts of the Cherokee council appropriating these respective sums may be found on pp. — of Annual Report.

## INTRUDERS IN THE CHEROKEE NATION.

The term "intruders in the Cherokee Nation" has a peculiar significance so far as concerns the relations which the class of persons intended to be designated bears to the Indian and other citizens of the nation. Under ordinary circumstances an intruder in the Indian country is a person who is there in violation of law without having or claiming any rights therein by reason of membership in the tribe occupying the particular part of the Indian country intruded upon. While there are many white persons in the Cherokee Nation who do not claim rights therein on any ground of relationship, still the great majority of persons charged with being intruders claim that they have rights in the nation, by blood or otherwise, equal to those enjoyed by the fully recognized citizens.

These people are known as claimants to citizenship. They protest that they are descendants of Cherokees who were citizens of the nation, with all rights of such, and that therefore they have the right to live in the Cherokee country and enjoy the benefits arising from the communal property of that people. This claim is denied by the Cherokee authorities, who declare that they are not entitled to any rights in their country and are intruders, and as such the authorities have consistently and urgently demanded their removal from the nation.

By the agreement entered into December 19, 1891, between commissioners on the part of the United States and commissioners on the part of the Cherokee Nation, it was provided among other things—

That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section (article) 6 of the treaty of 1835, and sections (articles) 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation.

By article 6 of the treaty of 1835 (7 Stat. L., 478) it is agreed that the Cherokees—

shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent, and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent any residence among them of useful farmers, mechanics, and teachers, for the instruction of Indians according to treaty stipulations.

Article 26 of the treaty of 1866 (14 Stat. L., 799) provides that the Cherokees—

shall also be protected against interruptions or intrusions from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory;

And by article 27 of said treaty of 1866 it is agreed that—

All persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided, and it is the duty of the United States Indian agent for the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation, as they now are or hereafter may be required by the intercourse laws of the United States.

It will be seen from the provisions of treaty quoted that the obligation of the United States to remove intruders from the Cherokee Nation takes date from the treaty of 1835. Indeed, the Government, following the policy adopted in the royal proclamation of 1763, has always, by its laws, prohibited intrusions by unauthorized persons within the country set apart for the use and occupancy of Indian tribes and has directed the removal of such persons by the proper officers. The agreement of 1891, therefore, imposed no new obligation on the Government. The only new provisions it contains with respect to this question are those defining the terms "intruders" and "unauthorized persons" as used in the treaties, and designating the officer of the Cherokee Nation who shall be authorized to demand the removal of such from the nation.

The Supreme Court, in the case of the "Cherokee Trust lands" (117 U. S., 288), declared that the Cherokees in North Carolina and other States east of the Mississippi River, who refused to remove West at the time when the main body of the nation was removed, had severed their connection with the tribe, and it recognized the exclusive right (ibid., 311) of the authorities of the nation to admit or readmit such Cherokees to citizenship in accordance with the constitution and laws of the nation.

It would, therefore, seem that an authoritative decree by a proper tribunal of the Cherokee Nation denying the right of an applicant to admission to citizenship would be sufficient to fix the status of such applicant (if he persists in remaining in the nation) as that of an intruder, subject to removal under the treaties, as was held by the Department in its letter of August 21, 1888, in the case of John Kesterson. Therefore, it appears that the definition in the agreement of the terms

used in the treaty was not necessary and that it did not enlarge or extend the duties of the Government with respect to the matter.

There has been no controversy with respect to the right of the Cherokees to call on the Government for the removal of intruders in their country, nor as to the obligation of the Government to remove them when they are properly identified; but it has been held by the executive department of the Government as expressed by the Attorney-General in an opinion dated December 12, 1879 (16 Opinions, 404), that in executing the provisions of the Cherokee treaties relative to the removal of intruders—

The United States is not bound to regard simply the Cherokee law and its construction by the council of the nation, but that any Department required to remove alleged intruders must determine for itself under the general law of the land the existence and extent of the exigency upon which such requisition is founded.

Prior to the decision by the Supreme Court in the Cherokee Trust Funds Case, above cited, this Department had held that, as the treaties with the Cherokees were with the whole Cherokee people and not with the authorities of the Cherokee Nation, the Government was bound under them to see that every individual Cherokee was fully protected in his rights (5 Opinions Attorney-General, 320), and that as a Cherokee could not expatriate himself or be expatriated by Cherokee authority (14 ibid., 296–297; 5 Peters, 1), he must, wherever he resides within the limits of the United States, without respect to the degree of consanguinity, be regarded as a Cherokee citizen, with indefeasible vested interests in the property and funds of that nation.

Therefore the Department also held that, when called on to remove an alleged intruder, the Government had the right to determine for itself whether or not he was entitled by blood to rights in the nation before complying with the demand for his removal. But, while it was held that the right of the Government to determine questions of citizenship was independent of any action on the part of the Cherokee authorities with respect thereto, several propositions were made to the nation for the appointment of a joint commission to investigate and determine all claims to citizenship, and all were rejected by the Cherokee authorities, who strenuously insisted that the question of citizenship was one over which they had exclusive jurisdiction, and one to be determined under Cherokee law and not under the laws of the United States.

Pending a settlement of the differences between the Department and the Cherokee authorities on this question, the Department directed that the agent for the Union Agency be instructed to investigate the claims of parties charged with being intruders, and to issue certificates to all such as could satisfy him prima facie that they were by blood entitled to rights in the nation, which certificates would give them the right to remain in the nation undisturbed until their cases could be finally determined; all others he was to remove. In accordance with these directions, Agent Marston was instructed by this office May 3, 1877, and similar instructions were given to Agent Tufts July 20, 1880.

This action on the part of the Government has had a most important influence upon the question of intruders in the Cherokee Nation, as will be seen from the amendment to the Cherokee agreement of 1891, adopted by Congress in the act of 1893 ratifying the agreement, which will be set out below.

Under these instructions Agents Marston and Tufts issued certificates to a great many parties who made prima facie proof of their Cherokee blood, and all such, most of whom believed that these certificates admitted them to Cherokee citizenship, remained in the nation, many taking up land and making improvements like the fully recognized citizens of the nation.

These certificates, which were known and referred to as "prima facie certificates," were issued by the Agents from time to time to parties making proof until August 11, 1886, when under instructions from this office their issuance was discontinued. All claimants who had these certificates were known as prima facie claimants, and all claimants entering the nation and making applications for citizenship prior to August 11, 1886, when the issuance of these prima facie certificates was stopped, have been recognized as entitled to a certain extent to some protection in the property acquired and improvements made by them in the nation in good faith under the belief that they had rights there by blood.

August 21, 1888, the Secretary of the Interior directed that a decision by the Cherokee authorities against a claimant to citizenship in the nation should be accepted as fixing the status of such claimant as an intruder in the Indian country, and as such liable to removal therefrom. But in view of the circumstances under which many claimants had been induced (frequently by assurances of Cherokees in high places of authority) to enter the nation in good faith, believing that they had rights there by blood, and to take up and improve lands therein, and in view of the encouragement given by the Department in the issuance of prima facie certificates, so called, the Secretary also directed that they should be given reasonable time and opportunity to dispose of such of their property in the nation as was not of a character to admit of its removal.

The claimants to citizenship in the nation whose claims had been rejected by the Cherokee authorities were notified early in September, 1888, of these instructions from the Department, and were given six months within which to dispose of their improvements and to remove. Later, in March, 1889, it was represented to the Department that citizens of the Cherokee Nation, to whom alone the intruders could lawfully sell their improvements, refused to purchase, because they claimed that at the end of six months from the date of notification the intruders would be removed, when their improvements could be taken possession of without the formality of purchase. The Secretary therefore directed that the time fixed for the intruders to sell their improvements and to remove should be extended without limit.

Notwithstanding the extension of the time, and the fact that these claimants were notified that they were regarded by this Department as intruders and subject to removal, the office has never been informed of a single intruder who has sold his improvements or removed from the nation, although eight years have now passed since they were given notice.

In ratifying the agreement of 1891 with the Cherokees, Congress proposed and the Cherokees accepted the following amendment thereto:

*And provided further*, That before any intruder or unauthorized person occupying houses, lands, or improvements, which occupancy commenced before the eleventh day of August, anno Domini eighteen hundred and eighty-six, shall be removed therefrom, upon demand of the principal chief or otherwise, the value of his improvements, as the same shall be appraised by a board of three appraisers, to be appointed by the President of the United States, one of the same upon the recommendation of the principal chief of the Cherokee Nation, for that purpose, shall be paid to him by the Cherokee Nation; and upon such payment such improvements shall become the property of the Cherokee Nation: *Provided*, That the amount so paid for said improvements shall not exceed the sum of two hundred and fifty thousand dollars: *And provided further*, That the appraisers in determining the value of such improvements may consider the value of the use and occupation of the land.

Pursuant to this provision Messrs. Joshua Hutchins, Peter H. Pernot, and Clem V. Rogers were appointed to appraise the improvements of such intruders in the nation as were entitled thereunder to be paid before being removed. Before the completion of their labor, Congress adopted the following provision in the act of March 2, 1895, viz:

The Secretary of the Interior is hereby authorized and directed to suspend action under the provisions of the act of Congress approved March third, eighteen hundred and ninety-three (27 Stat. L., 641), ratifying the agreement with the Cherokee Nation of December nineteenth, eighteen hundred and ninety-one, as to the actual removal from the Cherokee country of persons designated by the authorities as intruders, until the appraisal of the value of the improvements of such persons shall have been completed and approved by the Secretary of the Interior and submitted by him to Congress, and the removal of such intruders shall not be made earlier than January first, eighteen hundred and ninety-six: *Provided*, That whenever any intruder shall have been paid or tendered the appraised value of his improvements, if he does not immediately surrender possession of the same to the authorities of the Cherokee Nation he shall pay rent therefor at the rate usual in the country, but this provision shall not be construed to extend the time for the removal of intruders according to the foregoing agreement beyond the first day of January, eighteen hundred and ninety-six.

To quote from my last annual report—

Messrs. Hutchins, Pernot, and Rogers completed their work and submitted their final report to this office on March 16, 1895. Accompanying their report was the testimony taken in the claims which they had examined and two series of special reports, 386 in all, each report (except No. 316) relating to a separate claim. The first series related to the improvements of persons alleged to be intruders in the nation who claimed citizenship therein by blood, and embraced reports numbered from 1 to 316, inclusive. The second series related to improvements of persons of African descent alleged to be intruders, who claimed rights in the nation under the ninth article of the Cherokee treaty of 1866 (14 Stat. L., 799), and embraced reports numbered from 1 to 70.

The Cherokee Nation furnished the appraisers with lists containing the names of 2,853 heads of families who were alleged by the national authorities to be intruders therein. It was estimated by the board that these 2,858 families represented an aggregate of 8,526 persons, whose removal was demanded by the principal chief under the provisions of the Cherokee agreement of December 19, 1891, ratified by section 10 of the act of March 3, 1893.

Of the 2,858 families reported by the Cherokee authorities as intruders in that nation, 166 of them claimed rights in the nation under the ninth article of the treaty of 1866.

The appraisers examined the improvements of 384 of the alleged intruders whose names appeared on the lists furnished by the Cherokee Nation, and took evidence to determine—

First. Whether the improvements claimed were the property of the party claiming within the meaning of the law;

Second. Whether the claimant entered upon the possession or occupancy thereof prior to August 11, 1886; and,

Third. The value of the improvements claimed.

By these investigations the appraisers found that 117 persons were entitled to receive the value of their improvements; as to another case they were in doubt, but appraised the value of the improvements, and submitted for determination by the Department the question of the rights of the claimant. Eighty-eight of these were parties claiming rights of citizenship in the nation by blood, and 29 were parties claiming citizenship in the nation under the ninth article of the treaty of 1866, known as Cherokee freedmen.

The reports of the appraisers were given administrative examination in this office, and were submitted to the Department with an exhaustive report on May 27, 1895. In that report recommendations were made with a view to the modification of the findings of the appraisers to the extent of increasing the award to one claimant, the reduction of the award to another on account of an error in their calculation, the allowance of the award to the claimant whose rights were submitted for determination of the Department, as above stated, and the disallowance of all awards to Cherokee freedmen claimants. Tabulated, the modifications recommended by this office are as follows:

| | |
|---|---|
| Awards made by appraisers | 117 |
| Awards recommended by this office | 89 |
| Difference | 28 |
| Total awarded by appraisers | $74,180.56 |
| Total recommended by this office | 68,645.36 |
| Difference | 5,535.20 |

With reference to the recommendation for the disallowance of all awards to Cherokee freedmen, the reasons therefor, which are set out fully in said office report of May 27, 1895, are briefly as follows, viz:

Of the 166 names of persons claiming rights in the nation under the ninth article of the Cherokee treaty of 1886, 89 are found on the roll of Cherokee freedmen in this office, which is known as the "Wallace roll." A proviso to the article of the Cherokee agreement of 1891, which requires the removal of Cherokee intruders on the demand of the principal chief of that nation, protects the rights of all entitled to citizenship under said ninth article of the treaty. In addition to this the Court of Claims, in a decree in the Cherokee Freedman Case, on March 18, 1895, accepted said "Wallace roll" as furnishing the true number of freedmen (3,524); therefore those whose names appear on said roll are not intruders, and are not subject to removal on the demand of the principal chief of the Cherokee Nation. In view of this, the office recommended that these 89 names, a list of which was inclosed, be stricken from the Cherokee intruder lists.

As to the 77 other freedmen claimants whose names do not appear on the "Wallace roll," it was ascertained that the wives and children of some of them are on said roll, and as the acceptance of the Cherokee intruder lists without modification would involve the declaration not only that the parties named are intruders, but also that the other members of their family, some of whom are known to be on the "Wallace roll," are likewise intruders and liable to removal, it was recommended that these 77 names, a list of which was furnished, be suspended from the intruder lists until the status of their families can be ascertained by some proper investigation.

The Department, August 3, 1895, approved the findings and awards of the board of appraisers with the modifications recommended by this office, and August 23, 1895, a copy of so much of the papers in the case as was deemed sufficient to give the Cherokee authorities the information necessary to enable them to tender the amounts awarded to the persons entitled to receive them was transmitted to the principal chief of the Cherokee Nation in accordance with the instructions contained in Department letter of August 13, 1895.

By a letter dated December 19, 1895, Agent Wisdom transmitted a report by the treasurer of the Cherokee Nation showing that the appraised value of their improvements had been by him tendered to intruders, in accordance with an act of the national council dated September 20, 1895, imposing on him that duty. From that report, and papers accompanying it, it appears that of the 88 intruders to whom awards had been made 49 had accepted payment and 39 had declined to accept. In some cases where the intruder refused to accept the amount offered he signed a statement acknowledging the tender and setting forth his refusal to accept the amount, while in other cases this statement is signed by the treasurer of the Nation, before witnesses, or by or before the assistant treasurer of the Nation.

Agent Wisdom's letter and the accompanying papers relating to the payment and tender of the amounts awarded by the appraisers were transmitted to the Department with office report of April 1, 1896, to be submitted to Congress.

Before the 1st of January, 1896, to which time Congress had suspended any steps for the removal of intruders, measures were introduced in the two Houses of Congress looking to a further postponement of removals, and no steps were taken pending the consideration of the question by Congress. The result of this consideration was the following provision inserted in the Indian appropriation act approved June 10, 1896 (29 Stat. L., 339), which gives to the Commission appointed to negotiate with the Five Civilized Tribes, under the act of March 3, 1893 (27 Stat. L., 645), certain duties in connection with the question of disputed claims to citizenship in those tribes:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however,* That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall

give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided, further,* That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship or to protect any of said nations from fraud or wrong; and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided,* That if the tribe or any person be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however,* That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission after the expiration of six months shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes and shall include their names in the lists of members to be filed with the Commissioner of Indian Affairs.

Since the passage of this provision the Commission has been in the Cherokee Nation preparing for the adjudication of citizenship claims, and the papers on file in this office in many of the Cherokee citizenship cases have, under Department authority of July 22, 1896, been sent to them for their information and for the use of the claimants and the Nation in the investigation which they are authorized to make.

## CHIPPEWA AND MUNSEE INDIANS IN KANSAS.

There was given at some length in the annual report of this office for the year 1891 the status of the Chippewas and Munsees in Kansas and of their lands. The recommendations then made, repeated in the following year and renewed in my reports for 1893 and 1895 are, briefly, that the allotments hitherto made them be patented, and that vacant or abandoned lands be sold, the net proceeds thereof to be funded for the benefit of those members of the two tribes who have never received allotments. At the request of the Indians and of this office a bill for their relief (H. R. No. 7569) was introduced in the last session of

Congress and was favorably reported by the Committee on Indian Affairs (H. R. Report 1892). It is urged that final action be had on the bill at the coming session of Congress.

This bill authorizes the appointment of a commissioner to investigate and make a report of the title of the individual members of the Chippewa and Christian Indians of Franklin County, Kans., to the several tracts of land within their reservation for which certificates have been issued under the treaty of 1859, and to make a census of said Indians; and when the report shall have been made the bill authorizes the issuance of patents to those entitled to the land held by them. The residue of their lands are to be appraised and sold to the highest bidder at a price not less than the appraised value. The bill also authorizes the Secretary of the Interior to pay to said Indians, in his discretion, per capita, the sum of $42,560.36, trust funds now to their credit on the books of the Treasury Department.

## MINERAL ENTRIES ON THE NORTH HALF OF COLVILLE RESERVATION, WASH.

By the act of Congress which became a law without the President's approval on July 1, 1891 (27 Stat. L., 62), it was provided that after the lands should have been surveyed and allotments made to the Indians who elected to remain on the north half of the Colville Reserve, that portion of the reservation should, by proclamation of the President, be restored to the public domain, and be disposed of under the general laws applicable to the disposition of public lands. As the required surveys have not been completed such Executive proclamation has not yet been issued.

However, the opinion has prevailed among settlers and miners in that locality that there were valuable mineral deposits, particularly of gold, in the north half of that reserve. Congress accordingly anticipated the Executive action provided for in the aforesaid act of July 1, 1891, by passing the act approved February 20, 1896 (29 Stat. L., 9), which authorized mineral locations and entries at once on that portion of the reserve.

Only a few weeks had elapsed after the passage of that act before this office began to receive complaints from the Indians, and letters from the white entrymen themselves, indicating a clear and determined purpose on the part of the latter to use their right to make mineral entries for the purpose of gaining a foothold on the reservation. Placer claims were staked off on lands which were inclosed with fence and cultivated by Indians. In the language of one of these would-be settlers, this was done with the "intention of proving up and then laying off a townsite." He frankly stated that "there is not enough gold to pay to work, and in many places hardly enough to swear by," and that although the lands he desired were inside of an Indian's inclosure,

he wished to make himself secure in his location for a business place as quickly as possible, in order "to get the start of all other placers." March 20, 1896, this office received a telegram from Acting Indian Agent Bubb stating that many complaints were being received from Indians that placer claims were being located on their farms, and that he was satisfied the matter should be looked into promptly.

March 21, 1896, the office laid all the facts before the Department, and the opinion was expressed that the rights of the Indians were being invaded; that it was necessary that prompt steps should be taken to protect them against entries for other than mineral purposes; and that such protection could be afforded only by prompt action on the part of the General Land Office in confining entries strictly to the provisions of the law. To accomplish this it was recommended that the Commissioner of the General Land Office be directed to send a special agent of that office at once to the locality in question to ascertain what lands are mineral in character and subject to entry, with full instructions to prevent any and all lands claimed by Indians which are agricultural or grazing in character and upon which they have improvements from being located upon and entered by white settlers.

Special Agent T. D. Rockwell, of that office, was accordingly sent out. July 7, 1896, he submitted a detailed report to the Commissioner of the General Land Office, from which it appears that none of the lands on the northern portion of the reservation claimed and improved by Indians contain minerals in such quantities that they can be profitably mined, and that none of them can be classed as mineral lands. Acting upon that report the Commissioner, August 5, 1896, instructed the register and receiver of the United States land office at Spokane, Wash., to accept no applications to make mineral entries of any agricultural or grazing land on the Colville reservation which is claimed by Indains upon which they have improvements, and to exercise the greatest care to protect Indian occupants of lands in that reservation.

This office duly advised the Indian agent of the result of the investigations by the General Land Office and of the action taken to protect the Indians, and he was instructed to adopt such measures as might be necessary to prevent the whites from trespassing upon the lands claimed and improved by Indians, and if necessary, to cooperate with the local land officers and the Indians in procuring and filing such testimony as might be required for the protection of the Indian claimants.

## CLAIMS OF SETTLERS ON CROW CREEK AND WINNEBAGO RESERVATIONS, S. DAK.

The claims of settlers who located on the Crow Creek and Winnebago reservations in South Dakota in the spring of 1885, filed in accordance with the provisions of the act of March 2, 1895 (28 Stat. L., 899), have all been investigated and settled.

Eighty-three claims were filed within the six months provided for in the act, said claims aggregating $24,210.81. These claims were transmitted to the Department on November 30, 1895, with recommendations in the several cases. The total amount allowed was $5,675.67. Twelve claims were entirely disallowed, the same being either fraudulent or without merit.

There was only the sum of $5,074 available for the purpose of paying this list of claims, a deficiency, it will be observed, of $601.67. In settling these claims the Treasury Department therefore paid each claimant his pro rata share of the amount available.

Of the 944 claims investigated by Special Agent H. R. Pease in 1890–1892, for the payment of which an appropriation was made by the act approved August 15, 1894 (28 Stat. L., 286), a number still remain unsettled. Doubtless these claimants are either dead or they are unaware that their claims have been finally passed upon and that provision has been made to pay them the amounts found due. This may be at least partially accounted for by the fact that several years elapsed after the special agent's investigation before provision was made for the payment of the claims.

## DIGGER INDIANS IN CALIFORNIA.

In my last annual report I stated that a tract of land adapted to gardening and agriculture had been provided for the Digger Indians in California, and that the work of settling Indians thereon was in progress. It now appears that they are not so much inclined as was first supposed to avail themselves of the opportunity for homes thus offered them. In his report of February 10, 1896, Agent Cosby speaks of Indians who came to these lands utterly destitute, the women and children barefooted and in rags. He put them in comfortable houses convenient to firewood, furnished them provisions, and paid them for any work performed. As soon as they got a few dollars ahead they were eager to return to their old haunts and their former vagrant life of idleness, want, and beggary. Others have done likewise. Those who have remained there from the first seem satisfied, and such as are able to work do fairly well, but apparently none of them appreciate the favors shown them or the provision made for them by the Government.

To quote from Agent Cosby's report:

> From personal interviews and from what the Indians have told me as well as their white associates, I hoped and expected that a great many, especially the old and decrepit, would, as soon as the acorn season was over and the winter storms set in, avail themselves of the offered homes and food; but they have not done so. Many have visited and stayed for some days with those here, and during their stay were well housed and fed. When these returned to their wretched hovels and told those who had not come, how attractive the place was, that all the promises made had been kept, that they had good houses and plenty to eat, and could come and go at will, I was confident that they and the others would come, or leave the desolate spots where for years they have only known want and exposure.

Of all the Indians I have met the full-blooded Diggers are the most ignorant, and their morals, instincts, and appetites the most depraved. The half or three-quarter bred combine most of the bad qualities of the former with many of the bad qualities of their worthless sires, though more intelligent, and perhaps worse for that reason. These latter will work for a few days, get their pay, and squander it, leaving their women to shift for themselves. There are exceptions, but this is the rule. These Indians are scattered over the country in small families. These families have very little intercourse with each other. Knowing this I have built their houses in separate groups far enough apart in this hilly country to be out of sight of each other, and each group has a garden spot with ample water to irrigate, and with ample firewood. It seems incredible why they are not occupied. If the same inducements were offered to the poor whites they would be in a day. I have exhausted every means I could think of to induce them to come, even if it was only to see for themselves what they could expect, but so far have failed.

These people seem to believe in the common saying that "the only good Indian is the dead one," for while they abuse and neglect their parents and wives while living they seem to venerate their burial places and are willing to starve on their graves. The thought suggests itself that by digging up the bones of their ancestors and letting the living follow, they would come here.

Those here who are able to work I have employed now in plowing, preparing a large garden, and making an exterior fence and various other things which suggest themselves as necessary.

From the foregoing, it would seem that the prospect that any large number of the Digger Indians will occupy and cultivate the lands provided for them by the Government is not good; but it is thought that with the coming of winter enough Indians will remove to these lands to utilize them, and at any rate the Government has a place for them in case an emergency arises, such as led to the acquisition of the tract.

## IOWAS OF KANSAS AND NEBRASKA.

Pursuant to the provisions of the act of Congress approved March 2, 1895 (28 Stats., 902), Inspector Faison was detailed to conduct negotiations with the Otoe and Missouria Indians in Oklahoma for the sale of a small portion of their lands to the Iowa tribe of Kansas and Nebraska, for the benefit of those members of the latter tribe who could not be given allotments on their own reservation because of scarcity of land.

October 5, 1895, the inspector reported that in compliance with letter of instructions approved by the Department September 3, 1895, he had held a council with the Otoes and Missourias, and after explaining his business with them they had unanimously voted against the sale of any of their lands on the ground that they wished to keep them for their children.

The said act of Congress provided, as an alternative, that the Secretary might, in his discretion, allot to the Iowa Indians (numbering about 45) lands that have been or may hereafter be ceded to the United States by the Comanche, Kiowa, and Apache, or the Wichita tribe of Indians located in the Territory of Oklahoma. In a letter to the Department, dated December 16, 1895, this office gave the status of the Comanche, Kiowa, and Apache and the Wichita reservations, and

stated that in view of the condition of affairs on both of them no action could then be suggested looking to obtaining land there for the Iowas. Since then the status of affairs on these two reservations has not changed, and nothing can be recommended at present in the matter of securing land for the Iowa Indians.

## NEW YORK INDIANS.

Nothing of special importance in connection with the New York Indians has recently occurred. What has been termed the "New York Indian problem" has been given careful thought by many friends of the Indians, and the best opinions seem to agree that the United States Government should first take action to extinguish the claim of the Ogden Land Company to the lands of the Senecas and to a portion of the Tuscarora Reservation; that the lands of the several reservations should then be allotted in severalty with suitable restrictions as to alienation; that all existing State laws relating to the Indians should be repealed, except those prohibiting the sale of liquors to them and intrusion upon their lands, and that the laws of the State should be extended over them in such manner as to absorb them into the body politic.

Action has already been taken by Congress looking to the extinguishment of the claim of the Ogden Land Company by the following clause in the Indian appropriation act for the fiscal year ending June 30, 1896 (28 Stat. L., 887).

> That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the Ogden Land Company for the purchase of the interests said company may possess, if any, in the Cattaraugus and Allegany Indian reservations in the State of New York.
>
> He is also authorized to negotiate with the said Indians, under such rules and regulations as he may prescribe, as to the terms upon which the said Indians will consent to the United States purchasing the interest of said company in said reservations, if such interest is found to exist, and the Secretary of the Interior shall make a full report to Congress of his proceedings under this provision.

Mr. Philip C. Garrett, of Philadelphia, was appointed as commissioner to proceed with the negotiations, and he was so instructed by letter of September 3, 1896.

An item in the Indian appropriation act for the current fiscal year directs that the Department prepare and submit to Congress a detailed statement of all leases of lands in the Allegany Reservation made by the Seneca Nation to persons or corporations, giving an itemized statement of every lease now in existence, with the date and terms of each lease and the amount due on each. Many leases, estimated to number 3,000 or more, were made within the six towns or villages of the Allegany Reservation under the acts of Congress approved February 19, 1875 (18 Stat. L., 330), and September 30, 1890 (26 Stat. L., 558). Agent Jewell was directed July 3 last to make the investigation and furnish the information called for.

## EXTENSION OF PAYMENTS FOR OMAHA LANDS.

My last annual report stated that the Omaha Indians had refused to grant the extension of time to purchasers of their lands, contemplated by the act of Congress approved August 11, 1894 (28 Stat. L., 276), but that their action was rendered nugatory by an item in the Indian appropriation act for the fiscal year 1896, which granted an extension without any submission of the matter to the Indians for their consent.

The purchasers, however, finding that greater benefit would be derived by them if the Indians would accept the provisions of the act of 1894, requested that it be again submitted to them, and Captain Beck, the acting Indian agent, recommended favorable action on the ground that the Indians had not before properly understood the question. In compliance with Department instructions of November 23, 1895, Captain Beck was directed to present the matter to the Indians, and December 23, 1895, he transmitted a copy of a resolution adopted by the Omahas, assenting to the extension of time, as provided by the act of 1894.

## MODIFICATION OF PAYMENTS FOR OTOE AND MISSOURIA LANDS.

It was shown in my last annual report that the commission which had been appointed to negotiate with the Otoe and Missouria Indians for an extension of time of payment and a rebate to purchasers of their lands in Kansas and Nebraska, as provided by the act of March 3, 1893 (27 Stat. L., 568), reported that the Indians positively refused to entertain any proposition looking to readjustment or rebate, and that negotiations with them were thus ended.

By Department letter of July 18, 1895, to the Commissioner of the General Land Office, it was declared that the refusal of the Indians to consent to the terms of relief for the purchasers of their lands, contemplated by the act of March 3, 1893, made it the duty of the Department to enforce prior legislation with respect thereto, and to cancel entries in default of payment after due notice from the local land officers.

Request having been made by the purchasers for further consideration and action looking to readjustment, the Department, March 10, 1896, directed that another proposition be submitted to the Indians and the settlers, viz, that a rebate of five years' interest be allowed the settlers; that the balance due from them be paid in five equal installments, without interest, upon the express condition that a failure to meet any one of the annual payments should work a forfeiture. This proposition was submitted to the Indians by Special Agent Dickson under office instructions dated March 23 last. April 22 the special agent reported that the Indians refused to vote on the proposition, and

would not commit themselves to anything until they could have a personal interview with the Secretary of the Interior.

Under Department authority of May 1, a delegation of Otoes and Missourias visited Washington, and as a result of the conference the Department directed, May 26, that the following proposition be submitted to the Indians in council:

> I propose that you consent to allow a rebate of ten years' interest on the amount now due you from those purchasers of your lands who are in arrears, provided said purchasers will agree to pay within ninety days the amount remaining unpaid after the allowance of said rebate.

This proposition having been submitted to the Indians by United States Indian Agent Woolsey, he reported June 5 that the Indians had accepted it by a majority vote. That report inclosing the council proceedings was transmitted to the Department by office letter of June 9, and attention was invited to that part of the proposition which declared that if the Indians accepted it, the local land officers would be directed by the Department to notify each purchaser that if he does not accept the proposition and pay the amount due from him within ninety days from the date of notice, his entry will be canceled. It is hoped that this action will bring the matter to an early close.

## PONY CLAIMS OF INDIANS ON PINE RIDGE RESERVATION.

My last annual report stated that up to December, 1894, there had been forwarded to this office proofs in behalf of 421 claims of Indians on the Pine Ridge Reservation for ponies alleged to have been stolen from them by horse thieves or taken from them by the United States military authorities; also that in July, 1895, the work of taking testimony in the remaining claims had been resumed, Mr. O. L. Carter, a special attorney for the Department of Justice, representing the Government in hearing the proofs and cross-examining witnesses. The proofs in 275 additional cases, numbered from 422 to 696, have been taken and forwarded to this office by the acting Indian agent. These claims have arisen under the provisions of article 1 of the Sioux treaty of 1868 (15 Stat. L., 635), and have been presented by attorneys, with whom the Indians made contracts for the prosecution of their claims, the contracts having been approved by the Department. The work of taking testimony was concluded on September 30, 1895, no more claimants whose cases were covered by contracts appearing with their witnesses to present proofs, although there were about 125 more alleged claimants who had entered into contracts.

From a tabulated statement submitted by said attorneys after the testimony in the 696 cases had been taken, it appears that the claims examined are in the aggregate as follows: 6,413 horses valued at $265,260; 31 mules valued at $2,750; 42 cows valued at $1,445; 5 Winchester rifles valued at $200, and 1 saddle valued at $50; total value, $269,705.

December 21, 1895, this office submitted to the Department Attorney Carter's final report upon his work in connection with these claims, together with a full history of the subject and the action taken thereon from the time of the filing of the contracts. The matter is now pending in the Department.

## SALE OF CITIZEN POTTAWATOMIE AND ABSENTEE SHAWNEE LANDS IN OKLAHOMA.

In the Indian appropriation act, approved August 15, 1894 (28 Stat. L., 295), provision was made for the sale of lands belonging to the Citizen Pottawatomies and Absentee Shawnees, as follows:

That any member of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma, to whom a trust patent has been issued under the provisions of the act approved February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes, three hundred and eighty-eight), and being over twenty-one years of age, may sell and convey any portion of the land covered by such patent in excess of eighty acres, the deed of conveyance to be subject to approval by the Secretary of the Interior under such rules and regulations as he may prescribe, and that any Citizen Pottawatomie not residing upon his allotment, but being a legal resident of another State or Territory, may in like manner sell and convey all the land covered by said patent, and that upon the approval of such deed by the Secretary of the Interior the title to the land thereby conveyed shall vest in the grantee therein named.

In the last annual report of this office attention was invited to the unwisdom of this legislation and the misfortune to the Indians which would naturally result from it.

By reason of this legislation, there have been approved by the Department up to July 25, 1896, 157 assignments of land from these Indians, aggregating an area of 19,479.54 acres of land, at a valuation of $118,304.87, comprising 14,082.74 acres in Pottawatomie County, valuation $84,269.07, or an average of $5.98 per acre, and 5,396.80 acres in Cleveland County, valuation $34,035 80, or an average of $6.31 per acre.

A large percentage of this land was originally purchased from the Indians at a consideration much below its real value, and not always for cash or current money of the United States, as required by the rules and regulations adopted by the Department to be observed in the execution of such conveyances. No deed, however, has been approved where satisfactory evidence has not been presented showing a subsequent cash payment to the amount of the full value of the land, as appraised by one of the special Indian agents or by an inspector of the Department.

There seems to be some abatement in these conveyances, the Indians as well as the purchasers having ascertained that the Department must be fully satisfied of the bona fides of the transaction, and of the adequacy and payment of the consideration money. The majority of the conveyances now presented are made by Indians resident in Kansas or

elsewhere than in Oklahoma, showing that the desire to sell rather than to retain or lease their lands is waning, or that the efforts of speculators to secure these tracts are less persistent. But for the decisive stand taken by this office and upheld by the Department much more of the holdings of these Indians would have been wrested from them by persistent purchasers.

## PYRAMID LAKE AND WALKER RIVER INDIANS.

In the annual report for 1895 I commented upon Senate bill No. 99, introduced in the Fifty-third Congress at its second session, which provided, among other things, for the relinquishment of the Indian title to the entire Walker River Reservation and to a portion of the Pyramid Lake Reservation in Nevada, and for the removal of the Walker River Indians to the Pyramid Lake Reservation. A similar bill (S. No. 3) was introduced in the Fifty-fourth Congress, first session, and in the same session House bill 7579 was introduced, which is similar to the Senate bill, except that it fails to reserve a tract of land within the Pyramid Lake Reservation, situated near the town of Wadsworth, Nev., containing 110 acres, more or less, upon which is located the Indian schoolhouse, this tract being described by metes and bounds in the Senate bills.

Desiring later advices as to the effect of the proposed legislation than the report of Albert K. Smiley, member of the Board of Indian Commissioners, published in the annual report for 1895, and wishing to know the recent views and desires of the Indians in regard to the matter, I transmitted a copy of Senate bill No. 3 to the United States Indian agent of the Nevada agency on February 4, 1896, with request for report on the subject. Part of his report, dated February 11, 1896, I quote below:

* * * The enactment of the legislation proposed in Senate bill 99, which failed of consideration at the last Congress, would be a serious blow to the present happy, contented, prosperous, and progressive condition of the Pah Ute Indians residing on the Walker River and Pyramid Lake reservations under the jurisdiction of this agency.

The Indians of both of the reserves are unanimous in their opposition to the propositions contained in the bill, and it would require the strong arm of the Government to force them to change their opinions. Moreover, even if the Indians were willing to give their voluntary approval to the provisions of the bill, I would deem it my bounden duty to enter a protest against it, for the reason that it would be an unfair, unjust, unwarranted, and uncalled-for piece of legislation, enacted solely in the interests of a few wealthy stockmen, mining men, and the Carson and Colorado Railroad Company, as against the best interests of the Pah Ute Indians, whose future interests I have at heart, and who are perfectly contented in their present condition. The Pah Ute Indians are law abiding, industrious, and progressive, and entitled to a fair treatment at the hands of the Government, as against the grasping greed of a few of the citizens (of this State) who are at present trespassers on their rights.

On October 17, 1891, an agreement was entered into with these Indians (Pyramid Lake Reserve) for the relinquishment of the southern portion of their reservation

(which included the town of Wadsworth) for a consideration of $25,000, to be paid them in cattle; and further stipulated that all other trespassers, with their stock, should be removed from the reservation instanter. The terms of the agreement pleased the Indians, and if the agreement had been ratified, as it should have been and would have been had it not been for the stockmen on the north of Pyramid Lake and the Carson and Colorado Railroad, which passes through the Walker River Reservation, these Indians would now be the owners of a large herd of cattle, the contention of the people of Wadsworth for title to their (illegal) holdings would have been settled, and the proposed legislation of Senate bill No. 99 would never have been heard of.

While, in my opinion, there is no possibility of this legislation ever becoming effective so long as it contains the clause requiring the Indians to give their consent to its provisions, still the enactment of the bill into a law is viewed with distrust by the Indians as an evidence of bad faith on the part of the Government.

Mr. Albert K. Smiley, a member of the Board of Indian Commissioners, visited this agency last spring for the sole purpose of investigating the merits of the proposed legislation. He thoroughly studied and investigated the present resources, status, and condition of these Indians, the object and probable effect of the proposed legislation, and secured the opinion of over three-fourths of the Indians in regard to the matter. The conclusions he arrived at bear me out in my statements, and I sincerely trust that the recommendations he made in regard to Senate bill No. 99 will be duly considered.

If the agreement of October 17, 1891, could be revived and ratified, it would receive the full consent of these Indians, and be an equitable, fair, and reasonable solution of the problem.

* * * I recommend that the proposed legislation contained in Senate bill 99 be defeated; that the agreement entered into between these Indians and your office on October 17, 1891, be revived, if possible, and affirmed; if necessary, a new agreement similar thereto be made with these Indians. * * *

In addition to the foregoing I have little or nothing to add. To disturb the peaceful and prosperous condition of these Indians would be a burning shame.

To carry out the propositions contained in Senate bill No. 3, would be to make these Indians forever a burden upon the Government and subject them to poverty and servitude the rest of their lives. It would crush out of them the present spirit of progress and civilization, and make them idle, worthless paupers, as are many of the other tribes. These Indians are on the verge of self-support, and in a few years will be in a state of sufficient civilization to take up their lands in severalty. What little these Indians now receive from the Government is solely from a charitable standpoint; but they much appreciate it and are deserving of every dollar appropriated for them. They have asked for few favors of the Government, and have well merited the few which they have been granted. To now, by a selfish piece of legistion solely to gratify the whims of a few clamorous trespassers and the interest of a soulless corporation, undo all the good that has been accomplished during the past twenty years, place a chain of slavery about their loins and tell them that from now on they must live in poverty and shame, that the Government has been in error in presuming them capable of self-support and civilization,—would be the blackest blot on the pages of Indian history.

I have thoroughly examined Senate bill No. 3, and find little or no difference between it and Senate bill No. 99 introduced in the last Congress, so far as the interests of the Indians are concerned. Both bills accomplish the same result, viz, the abandonment of the entire Walker River Reservation, the relinquishment of portions of the Pyramid Lake Reservation, the removing of the Indians residing on the Walker River Reservation to the diminished Pyramid Lake Reservation, and the construction of a canal to irrigate the relinquished and the reserved lands of the Pyramid Lake Reservation. I consider it time thrown away to discuss the supposed

merits of the bill; as, in my opinion, the bill does not contain a meritorious feature. If it passes, it will simply be the death knell of a happy, progressive, industrious, law-abiding, and deserving tribe of Indians, who have a bright future before them if left to pursue their present inclinations along the pathway of civilization.

The agent further reports that the homes of the Walker River Reservation Indians are in a state of good cultivation; that they have good irrigating facilities, which can be enlarged at small cost; that the Indians are prosperous and contented, and under no circumstances would they exchange their present holdings for a tract of barren, rocky hillside, which would require years of hard labor to put in a state of cultivation; that the proposed legislation with reference to the Pyramid Lake Reservation would throw open much valuable land, which the whites have been illegally using for many years past as a cattle range; that it would give to the whites the use of more than half of the Pyramid Lake (which virtually means giving them the entire lake), a body of water full of fish, which furnishes the Indians a fruitful source of revenue as well as a bountiful supply of food during the winter time; that the Indians would view the taking of this lake from them in the light of a bold robbery, as they were promised when they settled there that it would be reserved for the exclusive use of themselves and their children for all time to come.

The proposition to build an irrigation canal for the Pyramid Lake Indians is not only in his opinion impracticable, but it is a serious question whether or not water could be brought upon the diminished Pyramid Lake Reservation to be used by the Indians in irrigating their land. Moreover, if the Walker River Indians are kept upon their own reservation, the Indians now residing on the Pyramid Lake Reservation will have, as he thinks, facilities for irrigating all the lands they ever will or can cultivate. A dam will probably have to be built in the near future, but outside of that it will require little or no expense to keep their present irrigating ditches in good condition.

In view of the report of Albert K. Smiley, above referred to, who was upon the ground and made careful and personal investigation of the whole matter, and also of Agent Wootten, who is among these Indians and knows their status, needs, and wishes, I reported to the Department April 4, last, that I was unwilling to recommend the passage of House bill 7579, and on the contrary urged that it should not pass.

## SEMINOLE INDIANS IN FLORIDA.

By a clause in the Indian appropriation act of August 15, 1894 (28 Stat. L., 286), the sum of $6,000 was appropriated for support, civilization, and instruction of the Seminoles in Florida, "one-half of which sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians."

Under this clause there were purchased from the Florida Southern Railroad Company, in June, 1895, 1,280 acres of land, at $1 per acre, being sections 24 and 26 in township 48 south, of range 32 east.

Under a similar clause in the act of March 2, 1895 (28 Stat. L., 876), 2,560 acres of land were purchased in March, 1896, of the Plant Investment Company, for the sum of $1,552, being section 25 in township 47 south, of range 32 east, and sections 23, 25, and 35 in township 48 south, range 32 east; and in April, from the Florida Southern Railroad, there were purchased 1,920 acres, for the sum of $1,216, being sections 12 and 24 in township 48 south, of range 33 east, and section 36 in township 48 south, of range 32 east, making a total of 5,760 acres, at a total cost of $4,048.

A similar clause is contained in the Indian appropriation act for the current year (29 Stat. L., 321).

## LOWER BRULÉ SIOUX RETURNED TO ROSEBUD RESERVATION.

The Indian appropriation act approved June 10, 1896, contains the following clauses relative to the Lower Brulé Sioux who were located south of White River, on the Rosebud Reservation, S. Dak., prior to July 3, 1890:

That the Lower Brulé Indians who were living on the Rosebud Reservation, in South Dakota, south of White River, prior to the third day of July, eighteen hundred and ninety, are hereby allowed to return and select the allotments of land occupied by them prior to July third, eighteen hundred and ninety; and said lands shall be surveyed and patented to said Indians under the provisions of the acts of Congress in relation to the allotment of lands in severalty to Indians.

That such of the Lower Brulé Indians as desire to do so may take allotments of land on the Rosebud Indian Reservation, south of White River, in South Dakota, the same as they might have done prior to March —, eighteen hundred and eighty-nine; and the Secretary of the Interior is hereby directed to pay to the Rosebud Indians the sum of one dollar per acre for all lands so taken and allotted, and the money to make such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated, and charged against any funds belonging to said Lower Brulé Indians now in the Treasury of the United States.

Special Indian Agent Oglesby was instructed August 22, 1896, to go to the Lower Brulé Reservation and ascertain the number of Lower Brulés who have already gone to Rosebud and those, if any, who are likely to go, and then to proceed to the Rosebud Reservation, call a council of the Indians of that reservation, and explain the whole matter to them, and to find out where the Lower Brulés had settled or would be likely to settle on the Rosebud Reserve. He has reported that 550 Lower Brulés have gone to Rosebud.

The provisions of the act will be carried out as soon as practicable.

## SOUTHERN UTES IN COLORADO.

It was stated in my last annual report that the commission which was appointed under the provisions of the act of Congress approved February 20, 1895 (28 Stat. L., 677), was engaged in allotting lands in severalty to such members of the Southern Ute tribe as had elected to

take them. November 30, 1895, the commission transmitted schedules showing allotments to 332 Indians, the quantity of land allotted being 65,450.33 acres.

While these schedules were before the Department for approval, Agent Day, of the Southern Ute Agency, who was also a member of the commission, reported that the few Indians who had wanted their improvements appraised and sold with the intention of removing to the diminished reserve to live in common with those members of the tribe who had decided not to take allotments had reconsidered their determination and wanted allotted to them the land upon which their improvements were located. Agent Day, in his capacity as commissioner, was accordingly directed March 27, 1896, to prepare a supplemental schedule showing the additional allotments.

April 14 he transmitted a supplemental schedule showing 39 allotments aggregating 7,360.82 acres, which, added to the original schedule, makes a total of 371 allotments, covering 72,811.15 acres. June 12 the Department approved the two schedules of allotments and directed the Commissioner of the General Land Office to issue the patents therefor.

The surplus or unallotted lands of that portion of the reservation lying east of range 14 have not yet been opened to settlement, and they probably will not be until the east boundary line shall have been properly located. It is said now to be located about 5 miles too far west.

A matter of much importance to the allottees on the Southern Ute Reservation is that of irrigation. Agent Day has had surveys and the necessary filings made for five ditches, and he was directed September 1 to submit estimates of cost of putting in the head gate for each of the ditches and for doing a limited amount of additional work on two of them, the idea being to prosecute the work with "due diligence," as required by the laws of Colorado. The office is delayed in the proper prosecution of this work by lack of funds. For the completion of the ditches a special appropriation will have to be asked, the regular appropriation of $30,000 for irrigation generally on Indian reservations being entirely too small to provide for payment of the total cost of irrigation for the Southern Utes. It is proposed, however, to use about $5,000 thereof in making the start, and to depend upon Congress for the remaining funds necessary to complete the work.

## STOCKBRIDGES AND MUNSEES IN WISCONSIN.

In my last annual report an account was given of the action taken under the first section of the act of March 3, 1893 (27 Stat. L., 744), for the relief of the Stockbridge and Munsee Indians in Wisconsin, by which the agent for the Green Bay Agency was directed to ascertain and report those members of the tribe who are entitled to receive fee-simple patents for their allotted lands. Since then I have received

Agent Savage's report of September 11, 1895, showing that he has found 29 persons to be entitled to patents.

Pending administrative examination of this work protests were filed in this office by Mr. Edwin Willits, attorney for Albert Miller, against the recognition of the roll of the tribe which had been approved by the Department June 12, 1894. These protests, after some correspondence with Mr. Willits and others, were, at his request transmitted to the Department with my report of November 8, 1895, for a decision by the Department whether, in view of the facts set out in said report, sufficient ground had been shown by the protesting parties to warrant action which would upset the enrollment of 1894 and require the making of a new roll.

No reply to this report has been received, and inasmuch as some of the parties found by Mr. Savage to be entitled to patents are among those against whom the protests are made, I have not deemed it expedient to take action on the report of Agent Savage. The whole matter is therefore held in this office awaiting determination by the Department as to the enrollment.

## TURTLE MOUNTAIN INDIANS.

Nothing has been accomplished during the year in the way of settling the Turtle Mountain question. The agreement concluded October 22, 1892, with the Pembina Chippewas, which it was thought would bring their affairs to a satisfactory termination, has not yet been ratified by Congress, though drafts of bills have several times been submitted with recommendation that the agreement be ratified. One was submitted December 9, 1895, with the statement that these Indians were in a continued state of disquiet and unrest as the result of the failure to ratify their agreement. The Indians strongly favor the ratification, and I know of no reason for not ratifying it, except that it is opposed by a certain Canadian half-breed faction which, instigated by outside parties, has always been more or less of a disturbing element on this reservation.

A number of Pembinas were tried and sent to jail for the alleged offense of cutting timber on Government land in the Turtle Mountain district. The Indians claimed, however, that the cutting was done on land which they have always claimed as their own; that they have never ceded this land to the Government except by the unratified agreement of 1892, and that the cutting and sale was done the winter before to enable them to procure food. The ratification of the agreement with these Indians can not be too strongly urged.

## UINTAH AND OURAY RESERVATIONS IN UTAH.

The two surviving Commissioners, appointed under sections 20 to 22 of the act of August 15, 1894 (28 Stat. L., 286), to allot lands to the Uncompahgre Utes, etc., and to negotiate with the Uintah Utes for

the cession of their lands not needed for allotments, continued on duty until February 13, 1896, when they were relieved by order of the Secretary dated February 4, 1896.

December 21, 1895, they reported that it was impossible to induce the Uncompahgres to take allotments in severalty as contemplated by said act on account of the requirement that they should pay $1.25 per acre for any and all lands allotted them. They also reported that there was but very little, if any, land within the entire Uncompahgre Reservation suitable for allotment as agricultural land, and that while certain parts of the reservation were suitable for grazing allotments, none of it east of Green River, and but comparatively little of it west of that river, was suitable for agricultural purposes.

They further reported that there were several thousand acres of good agricultural land in the valley along the Duchesne River from its junction with the Green up to a point 8 miles above the mouth of the Uintah River, within which limits the Uncompahgres were entitled to locate by the agreement approved June 15, 1880 (21 Stat. L., 199), and that above that limit there was ample land of fine quality to supply farms and homes for the entire Uncompahgre tribe.

They expressed the opinion that these lands could be obtained of the Uintahs, but that the situation would not be improved by securing them if the Uncompahgres must still be required to pay for them.

January 14, 1896, the matter was submitted for the consideration of the Department, with the suggestion that the best way out of the difficulty would probably be to obtain legislation to enable the Secretary of the Interior to negotiate with the Uncompahgres and with the Indians residing upon the Uintah Reservation for such modification of their existing treaties and agreements and such change in their reservations as might be deemed desirable by the Indians and the Secretary of the Interior, and February 8, 1896, the draft of an item to be inserted in the Indian appropriation bill was also submitted to the Department.

However, in the clause of the Indian appropriation act authorizing negotiations with the Indians of various reservations, hereinbefore referred to, Congress provided for negotiations with the Uintahs, but made no provision regarding the Uncompahgres.

## WINNEBAGO HOMESTEADS IN WISCONSIN.

In the annual report of 1895 I cited the homestead laws relating to the Winnebagoes of Wisconsin, and gave to date a history of the entries made thereunder by the Indians. A full report on the subject was made to the Department January 4, 1896, based upon a report of Special Indian Agent Able and Mr. M. A. Mess, a clerk detailed from the General Land Office, who had assisted in making investigation of the Winnebago homestead entries.

There remained some 50 of these entries upon which no steps had

been taken by the Indians to make final proof, and as other entries and selections by the Winnebagoes needed the attention of some one familiar with the situation among them and with the public-land laws, I suggested on July 31, 1896, to the Commissioner of the General Land Office the wisdom of again detailing Mr. Mess for thirty or forty days to visit these Indians and render them such aid as might be necessary—instructions to be given him by that office. I am advised that the detail of Mr. Mess has been made, and it is expected that through his endeavor the Winnebago homestead matters will soon be put in condition for final disposition.

I also suggested to the Department the propriety of appointing Mr. Mess a special disbursing agent, with proper bond, to make the annual payment of moneys due these Indians. The suggestion was favorably acted upon, and he has been duly instructed. It is thought that this step—prompt payment of their annuities—will encourage the Indians to file proper papers and make necessary proofs as to their homesteads.

## WISHAM AND TUMWATER FISHERIES ON THE COLUMBIA RIVER.

Referring to remarks in the annual report of 1895 in regard to infringement by whites of the fishery rights held by the Yakima Indians under treaty concluded with them June 9, 1855 (12 Stat. L., 951), I have to say further, that every effort has been made by this office to protect these Indians in such treaty rights, but not always with success. It is still a troublesome and perplexing question.

The fishery rights of these Indians and the stipulations of their treaty were brought before and defined by the supreme court of Washington Territory January 25, 1887, in the case of The United States *v.* Frank Taylor, reported in the Pacific Recorder, volume 13, page 333. Under that decision the Indians have the right to use and enjoy their fisheries as they had done before the conclusion of the treaty of 1855; and the court held that where a person obtained, under an act of Congress approved subsequently to the treaty, a patent to land abutting upon the Tumwater fisheries and erected and maintained thereon a fence which obstructed the approach to the fishery which had been reserved by treaty to Indians, equity would interfere by an injunction and cause the removal of the obstruction; and that persons so obtaining patents hold such lands encumbered and charged with such easements and rights.

This decision was a victory for the Indians, reversing the judgment of the district court, which had been against them; but Agent Erwin, Yakima Agency, Wash., states in his report of February 2, 1895, that although the supreme court of Washington Territory remanded the case for further proceeding, in accordance with the stipulations contained in the decree, it was never prosecuted beyond that point, as he was informed.

Since that decision of 1887 was rendered, the Winans Bros., the Seufert Bros., and others have erected fish wheels in the Columbia River, denied the Indians the right to fish therein, and obstructed their ingress and egress there.

The commissioner of public lands for the State of Washington has published various notices of applications by certain parties to purchase shore lands along the Columbia River between the high and low water marks.

The infringement of the fishery rights of these Indians by the whites above named and the application to purchase from the State of Washington shore lands along the Columbia have been laid before the Department of Justice with recommendation that the United States attorney for the State of Washington be instructed to take such action in each case as might be necessary to protect the rights of the Indians.

By Department reference I received a communication dated January 22, 1896, from the Attorney-General, inclosing copy of one dated the 15th of that month from William H. Brinker, United States attorney, stating that on July 11, 1895, he filed a bill in equity in the United States circuit court for the southern division of the district of Washington in the name of the United States, on behalf of the Yakima Nation of Indians, against Winans Bros., to enjoin the defendants from interfering with those Indians in taking fish from the Columbia River at the Tum Water Fisheries; that a temporary injunction was issued on the same date; that on October 7 the defendants filed a demurrer to the bill; that on November 18 the demurrer was argued and submitted and taken under advisement by the court, which had not then (January 15) been decided; that on November 19 a stipulation was filed permitting the Indians and defendants to fish in common until the final hearing in the case, and that the injunction as modified by the stipulation is still in force.

I am now in receipt, by Department reference, of a communication dated March 23, 1896, from the Attorney-General, stating, among other things, that the treaty of 1855 with these Indians established a kind of servitude in the ceded lands in the nature of a right of temporary injunction in favor of the tribe or tribes which had at least the right of occupancy in the lands; that, the treaty being the supreme law of the land, the State of Washington, while the owner of shore lands, with power to sell them, can not deprive the Indians by law, patent, or otherwise of this right; that he has no doubt that the courts would enjoin all persons interfering with the exercise of the right; that a suit or suits for injunction could be instituted against past or future purchasers of land which includes places where Indians are accustomed to fish, and that all such purchasers could be forbidden to interfere with the Indians, and that the purchasers themselves would doubtless prevent others from so interfering. The Attorney-General then suggested that it might be well to have the attention of the government of Washington

called to the matter, with a view to securing legislation which would protect the Indians in the enjoyment of their rights.

In view of all the facts in the case, I recommended, April 2, 1896, that the attention of the governor of the State of Washington be called thereto, with request that the legislature of that State be asked to enact such legislation as would practically protect the Indians in the free enjoyment of their fishery rights.

Very respectfully, your obedient servant,

D. M. BROWNING,
*Commissioner.*

The SECRETARY OF THE INTERIOR.